The Forum

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THE ENFORCEMENT OF LAW.

THE question at issue in New York city just at present is much more important than the question of a more or less liberal Sunday excise law. The question is as to whether public officials are to be true to their oaths of office, and see that the law is administered in good faith. The Police Board stands squarely in favor of the honest enforcement of the law. Our opponents of every grade and of every shade of political belief take the position that government officials, who have sworn to enforce the law, shall violate their oaths whenever they think it will please a sufficient number of the public to make the violation worth while. It seems almost incredible that in such a controversy it should be necessary to do more than state in precise terms both propositions. Yet it evidently is necessary. Not only have the wealthy brewers and liquor-sellers, whose illegal business was interfered with, venomously attacked the Commissioners for enforcing the law; but they have been joined by the major portion of the New York press and by the very large mass of voters who put the gratification of appetite above all law. These men have not dared to meet the issue squarely and fairly. They have tried to befog it and to raise false issues. They have especially sought to change the fight from the simple principle of the enforcement of law into a contest as to the extent of the restrictions which should properly be placed on the sale of liquors. They do not deny that we have enforced the law with fairness and impartiality, but they insist that we ought to connive at law-breaking.

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Very many friends of the reform movement, and very many politicians of the party to which I belong, have become frightened at the issue thus raised; and the great bulk of the machine leaders of the Democracy profess to be exultant at it, and to see in it a chance for securing their own return to power. Senator Hill and Tammany in particular have loudly welcomed the contest. On the other hand certain Republican politicians, and certain Republican newspapers, have contended that our action in honestly doing our duty as public officers of the municipality of New York will jeopardize the success of the Republican party, with which I, the President of the Board, am identified. The implication is that for the sake of the Republican party, a party of which I am a very earnest member, I should violate my oath of office and connive at law-breaking. To this I can only answer that I am far too good a Republican to be willing to believe that the honest enforcement of law by a Republican can redound to the discredit of the party to which he belongs. This applies as much to the weak-kneed municipal reformers who fear that we have hurt the cause of municipal reform, as it does to the Republicans. I am not an impractical theorist; I am a practical politician. But I do not believe that practical politics and foul politics are necessarily synonymous terms. I never expect to get absolute perfection; and I have small sympathy with those people who are always destroying good men and good causes because they are not the best of all possible men and all possible causes; but on a naked issue of right and wrong, such as the performance or non-performance of one's official duty, it is not possible to compromise. Indeed, according to the way we present Commissioners feel, we have nothing to do with Republicanism or Democracy in the administration of the police force of the city of New York. Personally, I think I can best serve the Republican party by taking the police force absolutely out of politics. Our duty is to preserve order, to protect life and property, to arrest criminals, and to secure honest elections. In striving to attain these ends we recognize no party; we pay no heed to any man's political predilections, whether he is within or without the police force. In the past, "politics," in the base sense of the term, has been the curse of the police force of New York; and the present Board has done away with such politics.

The position of Senator Hill and the Tammany leaders, when reduced to its simplest terms, is merely the expression of the conviction that it does not pay to be honest. They believe that advocacy of law-

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breaking is a good card before the people. As one of their newspapers frankly put it, the machine Democratic leaders intend to bid for the support of the voters on the ground that their party "will not enforce laws" which are distasteful to any considerable section of the public. Senator Hill declaims against the Board because it honestly enforces the law which was put on the statute-book but three years ago by his legislature and his governor (for he owned them both). This is of course a mere frank avowal that Senator Hill and the Democratic leaders who think with him believe that a majority in the State can be built up out of the combined votes of the dishonest men, the stupid men, the timid weaklings, and the men who put appetite above principle,—who declare, in the language of Scripture, that their god is their belly, and who rank every consideration of honor, justice, and public morality below the gratification of their desire to drink beer at times when it is prohibited by law.

When such are the fears of our friends and the hopes of our foes, it is worth while briefly to state exactly what the condition of affairs was when the present Board of Police Commissioners in New York took office, and what that course of conduct was which has caused such violent excitement. The task is simple. On entering office we found,—what indeed had long been a matter of common notoriety,—that various laws, and notably the excise law, were enforced rigidly against people who had no political pull, but were not enforced at all against the men who had a political pull, or who possessed sufficient means to buy off the high officials who controlled, or had influence in, the Police Department. All that we did was to enforce these laws, not against some wrong-doers, but honestly and impartially against all wrong-doers. We did not resurrect dead laws; we did not start a crusade to enforce blue laws. All that we did was to take a law which was very much alive, but which had been used only for purposes of blackmail, and to do away entirely with the blackmail feature by enforcing it equitably as regards all persons. Looked at soberly, this scarcely seems a revolutionary proceeding; and still less does it seem like one which needs an elaborate justification.

In an authorized interview with Mr. J. P. Smith, the editor of the "Wine and Spirit Gazette," the position of the former Police Board—and of Senator Hill and his political allies as well—toward the enforcement of the excise law has been set forth with such clearness that I cannot do better than quote it. Mr. Smith's statement appeared on July 18 last. No attempt whatever has been

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made to controvert its truth, and it may be accepted as absolute. What makes it all the more important is that it was evidently made, not at all as an attack upon the persons implicated, but as a mere statement of fact to explain certain actions of the liquor-sellers in the past. The interview runs in part as follows:

"Governor Flower, as well as the Legislature of 1892, was elected upon distinct pledges that relief would be given by the Democratic party to the liquor-dealers, especially of the cities of the State. In accordance with this promise a Sunday-opening clause was inserted in the excise bill of 1892. Governor Flower then said that he could not approve the Sunday-opening clause; whereupon the Liquor Dealers' Association, which had charge of the bill, struck the Sunday-opening clause out. After Governor Hill had been elected for the second term I had several interviews with him on that very subject. He told me, 'Do you know, I am the friend of the liquor-dealers and will go to almost any length to help them and give them relief; but do not ask me to recommend to the Legislature the passage of the law opening the saloons on Sunday. I cannot do it, for it will ruin the Democratic party in the State.' He gave the same interview to various members of the State Liquor Dealers' Association, who waited upon him for the purpose of getting relief from the blackmail of the police, stating that the lack of having the Sunday question properly regulated was at the bottom of the trouble. Blackmail had been brought to such a state of perfection, and had become so oppressive to the liquor-dealers themselves, that they communicated first with Governor Hill and then with Mr. Croker. The 'Wine and Spirit Gazette' had taken up the subject because of gross discrimination made by the police in the enforcement of the Sunday-closing law. The paper again and again called upon the Police Commissioners to either uniformly enforce the law or uniformly disregard it. A committee of the Central Association of Liquor Dealers of this city then took up the matter and called upon Police Commissioner Martin. *An agreement was then made between the leaders of Tammany Hall and the liquor-dealers, according to which the monthly blackmail paid to the police should be discontinued in return for political support.* In other words, the retail dealers should bind themselves to solidly support the Tammany ticket in consideration of the discontinuance of the monthly blackmail by the police. This agreement was carried out. Now what was the consequence? If the liquor-dealer, after the monthly blackmail ceased, showed any signs of independence, the Tammany Hall district leader would give the tip to the police captain, and that man would be pulled and arrested on the following Sunday."

Continuing, Mr. Smith inveighs against the law, but says:—

"The Police Commissioners [the present Police Commissioners] are honestly endeavoring to have the law impartially carried out. They are no respecters of persons. And our information from all classes of liquor-dealers is that the rich and the poor, the influential and the uninfluential, are required equally to obey the law."

I call particular attention to the portion of the interview which I have italicized above. It shows conclusively that the Sunday-closing feature was deliberately left in by Senator Hill and his aides because they did not believe they could afford to strike it out. It is idle

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to talk of a provision thus embodied in statute law as being a dead letter. Still more idle is it to talk of a law as "antiquated" when it was enacted only three years ago.

Mr. Smith's statement shows moreover that Tammany heartily approved of keeping the law in its present condition because, by so doing, they kept a sword suspended over the neck of every recalcitrant saloon-keeper. The law was never dead at all. It was very much alive. We revived it only in the sense that we revived the forgotten habit of administering it with decency and impartiality.

To show the nonsense of the talk that it was obsolete or a dead letter, I call attention to the following figures. In the year 1893, 4,063 arrests were made in New York city for violation of the excise law on Sunday. This represented a falling off from previous years. In 1888, for instance, the arrests had numbered 5,830. In 1894, the year before we took office, when the Tammany Board still had absolute power, the arrests rose to 8,464. On Sunday, September 30 of that year, they numbered 233; on October 14, 230; on the following January 13, they rose to 254. During the time that the present Board has been enforcing the law the top number of arrests which we have reached was but 223, a much smaller number than was reached again and again under the old *régime*. Nevertheless by our arrests we actually closed the saloons, for we arrested men indiscriminately, and indeed paid particular attention to the worst offenders,—the rich saloon-keepers with a pull; whereas under the old system the worst men were never touched at all, and all of them understood well that any display of energy by the police was merely spasmodic and done with some special purpose; so that always, after one or two dry Sundays, affairs were allowed to go back to their former condition. The real difference, the immense, the immeasurable difference between the old and the new methods of enforcing the law, is not one of severity, but of honesty. The old Tammany Board was as ruthless in closing the saloons where the owners had no pull, as we are in closing all saloons whether the owners have or have not a pull.

The corrupt and partial enforcement of the law under Tammany turned it into a gigantic implement for blackmailing a portion of the liquor-sellers, and for the wholesale corruption of the Police Department. The high Tammany officials, and the police captains and patrolmen, blackmailed and bullied the small liquor-sellers without a pull and turned them into abject slaves of Tammany Hall. On the other hand, the wealthy and politically influential liquor-sellers

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absolutely controlled the police, and made or marred captains, sergeants, and patrolmen at their pleasure. Many causes have tended to corrupt the police administration of New York, but no one cause was so potent as this.

In the foregoing interview the really startling feature is the matter-of-fact way in which Mr. Smith records his conference with the President of the Police Board, and the agreement by which the system of blackmail was commuted in view of faithful political service to be hereafter tendered to Tammany Hall. It is hard seriously to discuss the arguments of people who wish us to stop enforcing the law, when they must know, if they are capable of thinking and willing to think, that only by the rigid and impartial enforcement of the law is it possible to cut out from the body politic this festering sore of political corruption. It was not a case for the use of salves and ointments. There was need of merciless use of the knife.

When we entered office the law was really enforced at the will of the police officials. In some precincts most of the saloons were closed; in others almost all were open. In general, the poor man without political influence and without money had to shut up, while his rich rival who possessed a "pull" was never molested. Half of the liquor-sellers were allowed to violate the law. Half of them were not allowed to violate it. Under the circumstances we had one of two courses to follow. We could either instruct the police to allow all the saloon-keepers to become law-breakers, or else we could instruct them to stop all law-breaking. It is unnecessary to say that the latter course was the only one possible to officials who had respect for their oaths of office.

The clamor that followed our action was deafening; and it was also rather amusing in view of the fact that all we had done was to perform our obvious duty. At the outset the one invariable statement with which we were met was that we could not enforce the law. A hundred—aye, a thousand—times we were told by big politicians, by newspapers, by private individuals, that the excise law could not be enforced; that Mayor Hewitt had tried it and failed; that Superintendent Byrnes had tried it and failed; that nobody could succeed in such a task. Well, the answer is simple. We *have* enforced the law, so far. It is very badly drawn, so as to make it extremely difficult of enforcement; and some of the officials outside the Police Department hamper instead of aiding the police in their efforts to enforce it. However, we understand well that we must do the best

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we can with the tools actually at hand, if we cannot have the tools we wish. We cannot stop all illegal drinking on Sunday, any more than we can stop all theft; but so far we have succeeded in securing a substantial compliance with the law.

The next move of our opponents was to adopt the opposite tack, and to shriek that, in devoting our attention to enforcing the excise Law, we were neglecting all other laws; and that in consequence crime was on the increase. We met this by publishing the comparative statistics of the felonies committed, and of the felons arrested, under our administration and under the previous administration. These showed that for a like period of time about one felony less a day occurred under our administration, while the number of arrests for felonies increased at the rate of nearly one a day. During our term of service fewer crimes were committed and more criminals were arrested. In the Sunday arrests for intoxication, and for disorderly conduct resulting from intoxication, the difference was more striking. Thus in the four Sundays of April, 1895, the last month of the old *régime*, there were 341 arrests on charges of intoxication and of being drunk and disorderly. For the four Sundays beginning with June 30,—the first day that we were able to rigidly enforce our policy of closing the saloons,—the corresponding number of arrests was but 196. We put a stop to nearly half the violent drunkenness of the city.

The next argument advanced was that Americans of German origin demanded beer on Sundays, and that the popular sentiment was with them and must be heeded. To this we could only answer that we recognized popular sentiment only when embodied in law. To their discredit be it said, many men, who were themselves public officials, actually advocated our conniving at the violation of the law on this ground,—of the alleged hostility of local sentiment. They took the view that as the law was passed by the State, for the entire State including the city, and was not (as they contended) upheld by public sentiment in the city, the officers of the law who are sworn to enforce it should connive at its violation. Such reasoning would justify any community in ignoring any law to which it objected. The income-tax law was passed through Congress by the votes of the Southerners and Westerners, but it was collected (prior to the time it was declared to be unconstitutional) mainly in the Northeast. Any argument which would justify us in refusing to obey the excise law in New York would justify the whole Northeast in refusing to obey the income-tax law.

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The spirit shown by the men and the newspapers who denounce us for enforcing the law is simply one manifestation of the feeling which brings about and is responsible for lynchings, and for all the varieties of Whitecap outrages. The men who head a lynching party, and the officers who fail to protect criminals threatened with lynching, always advance, as their excuse, that public sentiment sanctions their action. The chief offenders often insist that they have taken such summary action because they fear lest the law be not enforced against the offender. In other words, they put public sentiment ahead of law in the first place; and in the second they offer, as a partial excuse for so doing, the fact that too often laws are not enforced by the men elected or appointed to enforce them. The only possible outcome of such an attitude is lawlessness, which gradually grows until it becomes mere anarchy. The one all-important element in good citizenship in our country is obedience to law. The greatest crimes that can be committed against our government are to put on the statute books, or to allow to remain there, laws that are not meant to be enforced, and to fail to enforce the laws that exist.

Mr. Jacob A. Riis, in a recent article, has put this in words so excellent that I cannot refrain from quoting them:

"That laws are made to break, not to obey, is a fact of which the street takes early notice, and shapes its conduct accordingly. Respect for the law is not going to spring from disregard of it. The boy who smokes his cigarette openly in defiance of one law, carries the growler early and late on week-days in defiance of another, and on Sunday of a third; observes fourteen saloons clustering about the door of his school in contempt of a fourth which expressly forbids their being there; plays hookey secure from arrest because nobody thinks of enforcing the compulsory education law; or slaves in the sweat-shop under a perjured age-certificate bought for a quarter of a perjured notary; and so on to the end of the long register, while a shoal of offensive ordinances prohibit him from flying a kite, tossing a ball, or romping on the grass, where there is any,—cannot be expected to grow up with a very exalted idea of law and order. The indifference or hypocrisy that makes dead letters of so many of our laws is one of the constantly active feeders of our jails. . . . The one breaks the law, the other has it broken for him. . . . The saloon is their ally, and the saloon is the boy's club as he grows into early manhood. It is not altogether his fault that he has no other. From it he takes his politics and gets his backing in his disputes with the police. That he knows it to be despised and denounced by the sentiment responsible for the laws he broke with impunity all his days, while to him it represents the one potent, practical force of life, is well calculated to add to his mental confusion as to the relationship of things, but hardly to increase his respect for the law or for the sentiment behind it. We need an era of enforcement of law—less of pretence—more of purpose."

The Police Board is doing its best to bring about precisely such an era.

The worst possible lesson to teach any citizen is contempt for the

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law. Laws should not be left on the statute books, still less put on the statute books, unless they are meant to be enforced. No man should take a public office unless he is willing to obey his oath and to enforce the law.

Many of the demagogues who have denounced us have reproached us especially because we took away "the poor man's beer," and have announced that, law or no law, the poor man had a right to his beer on Sunday if he wished it. These gentry, when they preach such doctrine, are simply preaching lawlessness. If the poor man has a right to break the law so as to get beer on Sunday, he has a right to break the law so as to get bread on any day. It is a good deal more important to the poor man that he should get fed on week-days than that he should get drunk on Sundays. The people who try to teach him that he has a right to break the law on one day to take beer are doing their best to prepare him for breaking the law some other day to take bread.

But as a matter of fact all the talk about the law being enforced chiefly at the expense of the poor man is the veriest nonsense and hypocrisy. We took especial care to close the bars of the big hotels. We shut every bar-room on Fifth Avenue as carefully as we shut every bar-room on Avenue A. We did not hurt the poor man at all. The people whom we hurt were the rich brewers and liquor-sellers, who had hitherto made money hand over fist by violating the Sunday law with the corrupt connivance of the police. There is small cause for wonder that they should grow hot with anger when they found that we had taken away the hundreds of thousands of dollars which they had made by violation of the law. There is small cause for wonder that their newspaper allies should have raved, and that Senator Hill should eagerly have run to their support. But it is a wonder that any citizen wishing well to his country should have been misled for one moment by what they have said. The fight they have waged was not a fight for the poor man; it was a fight in the interest of the rich and unscrupulous man who had been accustomed to buy immunity from justice. As a matter of fact we have helped the poor man and notably we have helped the poor man's wife and children. Many a man who before was accustomed to spend his week's wages getting drunk in a saloon now either puts them up or takes his wife and children for a day's outing. The hospitals found that their Monday labors were lessened by nearly half, owing to the startling diminution in cases of injury due to

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drunken brawls. The work of the magistrates who sat in the city courts for the trial of small offenders was correspondingly decreased. All this was brought about by our honest enforcement of the law.

To sum up, then, Senator Hill, and his allies of every grade, berate us because we have in good faith enforced an act which they, when they had complete control of the legislature and the government, put on the statute books with the full belief that it would be enforced with corrupt partiality. They are responsible for the law. We are responsible for having executed it honestly,—the first time it ever has been executed honestly. We are responsible for the fact that we refused to continue the old dishonest methods, and that we broke up the gigantic system of blackmail and corruption to which these methods had given rise; a system which was the most potent of all the causes that have combined to debase public life in New York and to eat the very heart out of the New York police force. Senator Hill and his allies passed a law which was designed to serve as the most potent of weapons for keeping the saloon-keepers bound hand and foot in the power of Tammany Hall and of the State Democratic organization which followed Tammany's lead. We have undone their work by the simple process of administering the law in accordance with the elementary rules of decency and morality. I am far too good an American to believe that in the long run a majority of our people will declare in favor of the dishonest enforcement of law; though I readily admit the possibility that at some given election they may be hopelessly misled by demagogues, and may for the moment make a selfish and cowardly surrender of principle. The men who last fall won the fight for municipal reform, for decent government in our cities, cannot afford to borrow from their defeated antagonists the old methods of connivance at law-breaking.

In the end we shall win, in spite of the open opposition of the forces of evil, in spite of the timid surrender of the weakly good, if only we stand squarely and fairly on the platform of the honest enforcement of the law of the land. But if we were to face defeat instead of victory, that would not alter our convictions, and would not cause us to flinch one hand's breadth from the course we have been pursuing. There are prices too dear to be paid even for victory. We would rather face defeat as a consequence of honestly enforcing the law than win a suicidal triumph by a corrupt connivance at its violation.

THEODORE ROOSEVELT.

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MUNICIPAL PROGRESS AND THE LIVING WAGE.

THE condition of the streets of New York is not a matter that concerns the inhabitants of that city alone. It interests directly every one who has occasion to come to the city, whether he comes from foreign parts or from this country, and the number of such travellers is very great. In a larger sense, the cleaning of these streets affects, although indirectly and insensibly, the welfare of the whole country. The city of New York is the great toll-gate of our commerce. Its position is so commanding as to enable it to levy tribute upon the larger part of all our imports and exports of merchandise, and the amount of this tribute and the manner in which it is expended are not matters of merely local concern. If the taxes in New York are excessive, or the money derived from them is wasted, the expense of transacting business there is increased. The loss may be incurred primarily in New York, but it does not end there. It is diffused throughout our industries. It may be felt on the cotton plantations of Texas and in the cotton mills of Maine; in the wheat fields of Dakota and on the fruit farms of the Pacific slope.

As a pecuniary matter alone, therefore, the street-cleaning problem in New York is of general importance. But its chief consequence lies in this, that it illustrates, in the clearest way in which illustration has yet been given, the grave danger that besets the path of municipal government in the future. When Colonel Waring took charge of the Department of Street-Cleaning, he found that he was required by law to pay in wages nearly double what was necessary. He demonstrated that he could clean the streets properly for the amount appropriated, provided he could obtain authority to pay the rate of wages current in the market, and that he could give the laborers so employed steady work; or he could clean the streets imperfectly, paying the wages fixed by law, and giving somewhat irregular employment. But if the city wished to have the streets kept clean at all times, while he was obliged to pay the legal wages, it would be necessary to have a much larger appropriation. The issue was most explicitly stated by Colonel Waring, and most carefully evaded by the

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city authorities. Violent attacks were made on him from various quarters, and at one time the press seemed about to abandon his cause. But the admirable condition of the streets was a weightier argument in his favor than any that could be brought against him, and at the last moment the city authorities yielded.

But they did not yield on the matter of wages. They tried to see if expenses could not be reduced in every other direction, but the plain course suggested by Colonel Waring they most studiously ignored. And they were finally driven to strain the law in a manner which was shown by one of their own number to constitute a most dangerous precedent. The Board of Health is empowered, when sudden emergencies arise, such as the advent of pestilence, to call for the appropriation of exceptional sums of money. It was pretended that, unless the system adopted by Colonel Waring was kept up in full perfection, the health of the city would be suddenly and seriously endangered, and by the aid of this transparent fiction an appropriation largely in excess of that provided by law was made available.

Every one knows how wages and salaries in New York have come to be fixed by law at the present rates. It is necessary that funds should be provided for the purposes of the "machine," and the most convenient way of raising these funds is by assessing the office-holders. In order that they may pay these assessments without resistance the legislature is induced to fix their compensation at a figure higher than the market rate, thus leaving a substantial margin for political contributions. It is easy to see why men who have been engaged in politics in New York should be unwilling to disturb this system or publicly to recognize its existence. But it is not so easy to understand why reformers have not attacked it, or why the public appears to be indifferent to it. But it seems probable that a doctrine known in England as that of the "living wage" has exerted a silent but powerful influence in checking any movement to cut down the wages paid by the city of New York to its servants.

The principle of the "living wage," according to those who advocate it, requires that workmen should get more than what their labor will bring in the market. They should be paid, not what they will consent to receive, "pinched by hunger and under the stress of need," but such wages as will enable them to maintain a proper standard of living. There is a "moral minimum" of earnings below which they ought not to sink, and employers of labor should observe this principle in dealing with their workmen. But as the ordinary employer

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is prone "to do business on business principles," municipal bodies have been selected by the English Socialists as proper agencies for establishing this "moral minimum"; and it is said that over 250 local governing boards in England—to say nothing of the general government—have now adopted the principle.

It would be unreasonable to suppose that action of this kind in England and elsewhere has not been dictated by benevolent motives. While we need not estimate too highly the virtue of spending other people's money generously, having still in mind Boss Tweed's lavish charities, we must recognize the fact that many of those who give freely of what they have to the service of the poor are attracted by socialistic ideals and are disposed to welcome socialistic experiments. They would be glad—as indeed we all should—to have poor people get higher wages than they do now, and they think that if the municipalities will set the example of raising wages other employers will be induced or compelled to follow. It seems scarcely probable that those who entertain this conviction have fully reasoned it out. Yet their standards of duty are so high that it is not unreasonable to ask that they should not lend their support to a principle of this character until it has been firmly established. In an inquiry of this kind we must not allow our conclusions to be affected by our desires. No matter how gladly we should welcome an improved standard of living among the poor, we cannot conscientiously adopt a measure claimed to produce this result without evidence that it has such tendency. At the least we should be sure that it will not do more harm than good.

In order to form clear ideas upon such a subject we must dismiss from our minds the conception of the laborer as compelled by hunger to accept whatever wages the employer chooses to offer him. This may have been at some time and in some country historically true; but it is at least not true at present either in England or in this country. No doubt there are times of depressed business when even good workmen cannot get work. There are also times of brisk business when even good employers cannot get workmen. The rate of wages is an average rate, fluctuating widely under many influences, but never in this country so low as not to afford a sufficient, if not a comfortable, support to the workman who is only moderately sober, honest, and industrious. But whether this is true or not, it is immaterial. The rate of wages may at times not be sufficient for the support of laborers, but that fact cannot at once bring about a general rise of wages, or even render it possible for government to cause such

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rise by paying higher rates to its servants: on the contrary, such a policy on the part of government under such circumstances might produce the very opposite effect.

This conclusion appears indisputable when we reflect that the revenue of government is subtracted from that of its subjects. Whatever it receives comes out of their earnings. If it increases its expenditure, it diminishes theirs. If it spends more money in hiring workmen, its subjects have less to spend in hiring workmen, or, what comes to the same thing in the end, in buying the products of their labor. If it should so happen that the government should spend this money in the same manner in which it would have been spent by those from whom it is collected by the tax-gatherer,—that is, in paying laborers at the same rate at which they would have been paid for equal work,—there may be no waste, and the condition of laborers as a class may not be affected. But if the government undertakes to pay the "living wage,"—that is, to pay laborers at a higher rate than private employers pay for like service,—it necessarily follows that the same sum of money, when expended by the government, gives employment to fewer men than when expended by the citizens. It is another corollary that the product will be correspondingly less, and we know from experience that the product will be even more than correspondingly less. Thus the action of the government in paying its servants more than the market rate for their work tends to depress the "moral minimum" in the case of the servants of its subjects.

Nevertheless the conviction clings in some minds that in some mysterious way the government may subtract a part of the revenue of its subjects without affecting their ability to expend as much for wages as they did before. Of course the question of the necessity of governmental protection to individual rights is not here involved. We must assume that business cannot go on without the aid of law, and that hardly any price is too much to pay for the good order which is indispensable to all productive industry. But the proposition is that an additional tax, levied by government for the purpose of paying wages to its servants at a higher rate than that fixed by competition, and so expended, does not lessen the ability of those who pay the tax to pay the same wages that they paid before the tax was levied. Although they contribute more to pay the workmen of the government, they somehow have just as much left to pay to their own.

This proposition is at least paradoxical, and it is far from easy, to one who does not believe it to be true, to invent arguments in its

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support. Possibly it may be thought that employers will, in the case supposed, not reduce wages, but forego a part of their profits. But why should they do so? By hypothesis their wealth is reduced while the number of workmen available remains the same. Under these circumstances the rate of wages tends to decline rather than to rise. If the employers had more money and there were no more laborers, the employers would compete with each other to get the additional hands which their increased capital would employ. But if the employers have less money, they are disposed to employ fewer hands, and laborers compete with each other for work. If the legislature could compel employers to pay the "living wage," then, it is conceivable, the rate of profit might fall, for employers might prefer to accept a lower rate rather than to abandon business. But even this result is far from certain theoretically, and of course it is absurd to imagine that it can be practically realized.

But let it be granted that employers, after paying their increased taxes, make no reduction in wages, but accept lower profits. It becomes necessary then to ask what they do with their profits. A part of them they expend unproductively, and a part of them they save, or set apart for the employment of labor. Their profits being reduced, they must either spend less, or save less, or both. If they were to spend less, the consequent decrease in the amount of wages paid might be temporary. But if they save less the loss is permanent. Hence we must conclude that the cost of the experiment of paying the "living wage" can be prevented from falling upon the mass of laborers who do not enjoy the favor of the government only by being charged upon the luxurious consumption of their employers. If their employers will deny themselves some of their accustomed luxuries, the government can indulge its employees in the luxury of the "living wage" without calling upon laborers as a class to pay for it. If employers do not diminish their consumption of luxuries, then laborers as a class must pay for the privilege granted by law to a few of their number. But if employers are sufficiently benevolent to practise a self-denial which cannot be proved to be forced upon them, in order to enable government to experiment in raising the "moral minimum," it seems probable that they have sufficient benevolence to spend of their own accord a fitting part of their income in promoting the welfare of the poor. And all experience shows that for such enterprises they have displayed a greater capacity than the officers of government.

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But the question may still be repeated, Are not wages largely determined by custom, and may not the example of paying higher wages, set by government, have an effect upon private employers? Custom undoubtedly affects the rate of wages, and in individual cases example may be potent. But the effects of custom and example are frequently misapprehended. When "hard times" come, in communities where customary wages prevail, some laborers must lose their employment. There is not money enough to pay them all at the customary rate, and, since this rate is maintained, some of them must go hungry. In one sense the average rate of wages is not reduced. The laborers that have work may get the same wages as before. But the whole body of workmen do not get the same wages as before, and the average wages of laborers as a class are therefore lowered. *Mutatis mutandis*, in good times average wages are higher. Thus the difference between the *régime* of custom and that of competition is more apparent than real.

As to the effect of example in the conduct of business affairs, it is easy to be misled by the fallacy of composition. We look at A and B, and say that they can perfectly well afford to pay higher wages than they do. A great wealthy corporation—such as the New York Central Railroad, for instance—could perhaps, in the popular judgment, double the wages of its employees, were it not for its rapacity and greed. It is quite true that individuals are at liberty to pay such wages as they please, provided they pay their debts. Prosperous business men, those who continuously make more than average profits, could pay more than average wages. But the smartest of them do not know that they will continue to make more than average profits, and if they managed their business on the theory that such profits could be counted on, they would very often come to ruin. But such men are exceptional, and the great mass of business men make no more than average profits, and can pay no more than average wages. The example of others has nothing to do with their action. Not what they would, but what they must, is their rule. The maxim, "Profits are the leavings of wages," contains the gist of the matter. Wages must be paid first, and if a man pays too high wages, his profits will be so low that he cannot make a living at his business. We constantly see people ruined by trying to follow the example of their wealthier acquaintances in keeping many servants and maintaining a showy establishment. They live beyond their means, and the fact that others set them an example of

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too high a "moral minimum" of expenditure does not increase their income a single penny. It is not a question of example, but of ability; and the same is true of the wages paid and other expenses incurred in the conduct of business in general.

As to corporations, it can only be said that their managers are required by law, and by ordinary business prudence, to conduct their affairs on business principles. It is the duty of such managers to pay the lowest wages which will ensure them the best possible service. Perhaps it often happens that these managers would get better service if they paid higher wages than they do in fact. It is their mistake if this is so, but it does not affect the principle by which their action must be guided. They may be as generous as they please with their own money, but not with that of their stockholders. As a matter of fact this principle is often disregarded by these managers, who pay excessive salaries and indulge in many extravagant expenditures, to the ruinous loss of the owners of both stocks and bonds. But the principle remains unaffected, in morals, if not in law. As to the owners of stocks and bonds, it can only be said, in a summary way, that they have to average their good investments with their bad ones, in reckoning their income. The results in the long run are not such as to justify them in insisting that their corporations shall be governed by the example of municipalities in fixing the rate of wages. Municipal enterprises are not obliged to pay dividends, frequently not even interest. Business corporations must do both, leaving the righteous use of the profits which they earn to the consciences of those who receive them.

The considerations hitherto presented point to the conclusion that the payment by government of a higher rate of wages than that prevailing in the market tends rather to diminish than to increase average wages. With those who regard such increase as eminently desirable, this conclusion should be sufficient to discredit the doctrine of the "living wage." But there are other consequences involved in this doctrine, when practically applied, which may well be regarded as even more serious than the diminution of the reward of labor. These consequences are briefly as follows: For the government to pay to such laborers as it employs higher wages than others can obtain, is unjust. It creates a privileged class, and this is contrary to the spirit of our institutions. The existence of such a class arouses envy and leads to corruption. And finally, the reform of the civil service, on which rest our hopes for municipal progress, can never

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be permanently established while a privileged class of office-holders is maintained.

The first of these consequences is a corollary from the reasoning already employed. Unless it can be proved that the payment of higher wages to its workmen by government increases the wages of other workmen, these others have a right to complain. Government cannot assume the position of the lord of the vineyard in the parable. It cannot say to workmen not in its employ, "You are not injured by my paying my men more than you get. If I paid them less you would get no more." The complaining workmen would reply, "This is a government of equal rights and no favors. You have no business to collect taxes from the whole people and distribute them so that a few are exceptionally benefited. If you possess this marvellous power of making money go farther than your subjects can, you must exercise it so that all may share in its results." In spite of the "dog-in-the-manger" sound of this claim, it is obvious that it is supported by the most elementary principles of political morality. No democratic constitution could endure unless it recognized the principle that public moneys are a fund held in trust for the whole people, to be distributed only in such a manner as to give every one a fair share of the resulting benefits. Any other principle would encourage partiality and lead to the grossest abuses. It is true that such abuses exist in practice; but they are indefensible on principle.

The supposition that has just been examined is, however, an extreme, and, if the previous argument has any validity, an absurd one. The payment of higher wages by government does not raise, but lowers, the average rate, and the injustice of the policy is self-evident. Under a monarchy or an aristocracy the standard of justice is different. A king may pay his laborers who have worked but one hour the same wages as those who have borne the burden and heat of the day, and none may question his right to do what he wills with his own. An aristocracy is based upon the conception that some men are, merely by virtue of their birth, superior to others, and such men may claim corresponding perquisites. But in a government by the people, equality is the essence of justice, and no subject can claim any favor.

It is evident from what has just been said that the existence of a class of employees favored by government arouses envy. The question is not to be complicated with any assumption that the employees of government are a superior class. In so far as they are superior

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they are entitled to higher compensation. If their fitness has been determined by competitive examination, they may justly claim preferment over those that are proved unfit. But the comparison must be made, not between the fit and the unfit, but between the fit who get the places and the fit who do not. It is to be expected that the incapable will be envious. Had they sufficient magnanimity not to be envious, they would not be very apt to be incapable. Such virtue would imply ability. Their envy, however, while it may be a serious evil so long as appointments are made without regard to merit and as rewards for party services, is nothing that needs be considered under the competitive system. It is a part of their general discontent with the universe and their disapprobation of the processes of natural selection. They cannot succeed because they do not deserve to succeed, and if we have a system under which desert brings success, we cannot relinquish it because of the complaints of the undeserving, no matter how much we may pity them.

It is otherwise when men are excluded, not because they are unfit, but because others have crowded in before them. We are familiar with the spectacle of a crowd of applicants for every position under government, and we know that often most of such applicants are unfit for any position. We are not yet familiar with the spectacle of a crowd of meritorious applicants; but if the compensation attached to such positions is greater than can be earned elsewhere by like service, this spectacle will infallibly be presented. If this compensation were no more than what could be otherwise earned, the number of office-seekers would be diminished until the supply was equal to the demand. But if this is not the case, those who fail to secure office through no fault of their own will naturally be envious. They will be angry at what they properly regard as injustice, and their grievance will have dangerous consequences.

For those who by favor or fortune have secured privileged places will do what all privileged classes have done in the past. They will be apprehensive of losing advantages to which they feel their title is of doubtful justice, and they will combine to protect themselves. This is no speculative peril. The legislature of New York has more than once responded to combinations of this kind with increases of salaries, and such increases have been procured by corrupt means and are available for corrupt purposes. Were the salaries only such as are paid in the competitive market, such corruption would be impossible. Rather than pay assessments, office-holders would run

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the risk of being removed, considering that they could do as well elsewhere as in the public service. But if they know that their official pay is greater than they can obtain in private life, the temptation is strong to buy security. We shall presently consider how far the case is affected by permanency of tenure. But unless permanency can be counted on without paying for it, experience proves that it will be paid for. And as those who are in will pay to stay in, so those who are out will pay to get in. They will beset the legislature with their appeals. They will insist upon the creation of new offices and the extension of governmental activity. And their opponents will labor under the immense disadvantage of having to defend a system which is indefensible, and to justify what is unjust.

The bearing of this upon the reform of the civil service is plain enough. If this reform is established, it means ruin to the professional politicians, and this they know right well. From the beginning they have thwarted the reform by every means in their power. They dealt it a serious blow this year in Massachusetts, and those who are in a position to judge say that the last New York legislature would have wiped it off the statute-book had not the new Constitution saved it. The politicians will fight as those who are fighting for their lives. If they cannot control the offices they are confronted with starvation. They are impecunious as a class, and they are generally so worthless and incapable as not to command responsible positions in private life, or indeed to give satisfaction in any position. There can be no doubt as to their views on the "living wage." Experience confirms theory. The multiplication of offices and the overpayment of those who hold them are the cardinal principles of such organizations as Tammany Hall. Its leaders may not be aware that their practice has anticipated the most advanced theories of the Socialists; but the instinct of self-preservation often outruns the conclusions of thought.

Very splendid and beautiful visions of municipal progress are indulged in by social reformers. Their views are denounced as impracticable, but the examples of some foreign cities prove that there is no impossibility involved in the improvement of our own. While we may not realize the *civitas dei*, we are not precluded by any unalterable conditions from raising our municipal governments out of the miry pit in which they are now struggling. We know how to deal with crime on scientific principles, and if we should apply our knowledge the criminal classes would in a short time be nearly extirpated. We know how to ensure good sanitary conditions, and if

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we should use what we know, the terrible overcrowding of the poor would be arrested, and only habitations fit for human use would be built. We are not ignorant of what is beautiful in architecture, and might make our public buildings the delight of our eyes. The children of the common people might receive such education as would fill their lives with sweetness and light. In a thousand ways we might engage in the service of the community the limitless powers of nature and the inexhaustible devotion of man.

These ideals can be realized. But they can never be realized if the government of our cities is to remain in the future in such hands as have controlled it in the past. The professional politicians can carry it on no better than they have done. Their motive is the enjoyment of the reward of office, and with this motive their actions must correspond. Success in their calling implies qualities that unfit them for the ideal public service, and requires such assiduous attention to the machinery of party as prevents any comprehensive study of the needs of government. In some way we must rid ourselves of this class of servants if we are to improve our housekeeping. Unless we do so we may as well cease to tantalize ourselves with the hope of establishing our city governments upon any permanently improved basis.

It appears, therefore, that all our prospects of nobler civic life hang upon the reform of the civil service. If we can make admission to this service depend upon fitness, and if we can maintain permanency of tenure, a great future opens before our cities. But the opposing forces are mighty, and their hostility will be unceasing. They have every advantage of position and of discipline. They will fight by fair means or by foul. They cannot surrender, and if they apparently cease to struggle it will only be to throw their adversaries off their guard. They will make no serious mistakes, and they will overlook none that are made. Unless their power for mischief can be reduced it will be almost impossible to maintain the principle of permanency of tenure of office. At all events this principle can be maintained only by the most incessant vigilance, and its champions cannot afford to handicap themselves by attempting the defence of any doubtful positions.

If the reform of the civil service is to be loaded down with the doctrine of the "living wage," or even if it is not explicitly connected with the doctrine and the practice of paying the market rate of wages and salaries, it can never be established on a permanent basis. It

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may maintain itself, but it will be in perpetually unstable equilibrium. The offices will continue to be looked on as prizes, and the struggle to secure them by other means than competitive examinations will be perennial. The reform will have to bear the odium that always attaches to privilege and to favoritism, and it will be in constant danger of losing popular support. The politicians will make out a plausible, and, in the opinion of many, an unanswerable case, when they charge the reformers with perpetuating the practices which they have denounced, and with creating a privileged class of office-holders; and the office-holders themselves can feel no security in their positions, and will be tempted to ally themselves with men whose enmity is to be dreaded, and to make friends of the mammon of unrighteousness through partisan activity.

It seems, therefore, that the most dangerous foes of higher municipal development are to be found among those who clamor most eagerly for it. The politicians stand across the path of progress, but they can be overthrown if the counsels of their opponents are wise. But if these counsels are divided, and if many of those who are most sincerely and earnestly devoted to reform are determined to bring it about by socialistic experiments, the politicians may look forward yet to a long lease of power. They have but one great source of strength and revenue, and that is to be left untouched. They are vulnerable in but one spot, and that is not to be aimed at. They can be overcome unless their opponents commit one error, and that error is to be committed. Civil-service reform can be carried through, and all that it means for improved civic life be secured, if it embodies the principles on which alone ordinary business can be safely conducted. Otherwise it cannot permanently succeed, and in the judgment of many well-disposed citizens it will be better that it should not succeed. It would result in fastening upon the community a privileged class of office-holders too numerous and too expensive to be borne. To imperil this reform for the sake of experimenting with a theory which is at best unproved, if not altogether fallacious, is to assume a responsibility of the gravest kind. It is certainly the part of prudence to make sure of the reform of the civil service before everything else. If that is done we may find that the question of the "living wage" has lost its importance in the general improvement of our social condition.

DAVID MACGREGOR MEANS.

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PROFESSOR HUXLEY.

PROFESSOR HUXLEY was undoubtedly a man of genius, and I suppose, as every one who has a right to speak says so, of speculative genius. But I doubt whether his speculative genius was as great as his genius for debate, for exposition, for attack and defence. I have no pretension to say a word upon the biological sciences in which his reputation was greatest. But I have seen him as he appeared in philosophical, in theological, in practical discussions, and have greatly admired the inimitable lucidity, the fascinating vivacity, the ready humor, the happy irony, and the intellectual audacity, which he displayed in either defending his own position or assailing that of an antagonist. And I cannot help thinking, when I note how often he was tempted out of his special studies to sit on Commissions, to attend popular discussions, to represent Science on the London School Board, and even to assail the pretensions of the Salvation Army, that the genius of the man was less naturally attracted to speculative reflection and that meditative chewing of the cud which made his friend Charles Darwin so great, than it was to the give-and-take, the guard-and-thrust, of social and practical life. At a meeting of the British Association in 1860 he encountered the late Bishop Wilberforce,—a foeman well worthy of his steel,—in a duel on the subject of the evolution of man out of some lower form of being such as that of the anthropoid apes, and repelled a somewhat personal, and indeed unjustifiable, attack with a brilliance and vigor that excited the admiration of many whose intellectual sympathies were rather with the bishop than with the biologist. But the reflection which that sharp encounter elicited from those who either heard or read of it was this,—how great a figure each of the combatants might have made in a very different and more popular field of debate, and how much more each of them might have done if his gifts had not been so closely confined to a single field of study, but had been exercised in that wider arena in which meditative concentration is not half so much needed as presence of mind, rapidity of judgment, ready wit, and fertility of resource, applied under the guidance of benevolent

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impulses, sagacious instincts, and strong common-sense. We have too often reason to regret that men who were great in the study have wasted themselves in administrative duties and in either the debates of Parliament or the oratory of the platform. But we have, now and then, good grounds for regret of a very different kind, and I have often thought that, in the case of both these brilliant antagonists, their great gifts might have been applied with more advantage for the welfare of their fellow-men, if both the divine and the biologist had made political life their principal object, and they had become, what they must have become, great leaders of men rather than specialists in a field where devout or speculative ardor is of even more consequence than wit, combativeness, and presence of mind.

I saw a good deal of Professor Huxley during the years when his great gifts and energies were at their meridian, especially between the years 1870 and 1877, for in 1869 we both took part in the formation of a society of which he was one of the most brilliant members—the Metaphysical Society; and in 1876 we sat side by side on a Commission in which we happened to represent diametrically opposite points of view,—the Commission to inquire into the character of painful experiments on living animals, and the desirability of imposing, on those who make them, such limitations as might prevent the infliction of the kind of torture of which there are in Europe, and even in England, too many instances.[1] In both cases I had many opportunities not only of observing him closely, but of entering with him into those more conversational discussions which were not limited by the conventional rules of even that semi-public debate. And my own impression certainly was that an abler and more accomplished debater was not to be found even in the House of Commons, and that he was never more effective than when he diverged from the narrower field of the specialist into the wider fields of popular interest. He made extraordinarily effective use also of his very wide and accurate reading in his own special studies, a kind of use which often puzzled the so-called metaphysicians, and reduced

[1] Considering that Professor Huxley represented the physiologists on this Commission, I was much struck with his evident horror of anything like torture even for scientific ends. I still remember the shudder with which he received one scientific man's assertion that a friend of his, who had done very painful vivisections, still hoped to meet his dogs again in "another and a better world." Huxley was a good draughtsman, and thereupon drew a grim pen-and-ink sketch of the meeting between the vivisector and a wretched creature of a dog with his tattered nerves "dissected out."

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them to bewildered silence. For example, I shall never forget the dismay with which many of us heard his paper on the question, "Has the frog a soul, and of what nature is that soul, supposing it to exist?"

I am sure that he must have written it with an ironic smile, foreseeing how he would puzzle most of his hearers with his biological statements. He pointed out that if the frog has a soul at all, it must have two souls, for if the spinal cord is divided, both the divided parts manifest separately precisely the same kind of purposive action, though they do not coöperate. "The rational principles are specially present in each, because these are nothing else than the functions of the gray matter, and the gray matter in each continues to exert its inherent powers." "The separated head and trunk may be sent a hundred miles in opposite directions, and at the end of the journey each will be as purposive in its actions as before." Of course a great many of his hearers were ignorant of the physiological facts which he narrated, and many of those who were not entirely ignorant of them had never considered them in relation to the problems he attacked: as to whether, for instance, a human being with his spine broken has or has not a separate reason or will in those lower limbs which manifest every sign of sensation, without the smallest consciousness in the man himself that he has suffered what he appears to observers to suffer, if those lower limbs are irritated or tickled. I need hardly say that the discussion on this paper was not very "nutritive." The Metaphysical Society can hardly be said to have had a mind of its own on the question whether a frog has a soul or not. And I do not suppose that Professor Huxley himself had any distinct opinion on it. He certainly held that a great part of the organization of every living being is strictly that of an automaton *without* a conscious mind; and I believe he thought it probable that such creatures as frogs, even when they give signs of pain, are not always suffering, since they give the same signs of pain as men give under conditions when the men, if questioned, will affirm that they have not suffered at all. But the real object of Huxley's paper was to bewilder; and, with the greater part of the Metaphysical Society, he certainly succeeded,—all the more, perhaps, that he himself was very uncertain as to what the legitimate inference as to the consciousness of the frog ought to be. But he at least believed that the problem is insoluble in our present state of knowledge, and he had nothing more at heart than to persuade the Metaphy-

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sical Society that insoluble problems lie on all sides of us,—in which modest ambition, I think, he succeeded.

I remember another paper of his which was, I think, much less successful, as in it he travelled a good way beyond the region where he was master of his ground. It was a paper, conceived in a very reverent and even tender spirit, stating his views very frankly, though with great delicacy, on the miracle of the resurrection. His object was to show, and undoubtedly he did show, that the disciples of Christ had, and could have had, no *physiological* evidence that what we now mean by death had ever taken place in the body of our Lord at all. I do not suppose that any one—even if he held, as I do, that the Gospel of John is not less trustworthy, or is even more trustworthy, in its account of the historical facts, than any of the synoptic Gospels—would deny this. It is perfectly evident that if the supposition that our Lord never died at the time when He was believed by the Church to have died, were otherwise tenable, we neither have, nor could have, any proof that death in the physiological sense had really taken place, since at that period the physiological evidences of death, as we now understand them, were not formulated at all. But what Professor Huxley entirely ignored was the impossibility of the supposition that our Lord could have recovered consciousness and the power of movement in the maimed and wounded condition in which the crucifixion had left Him, without his intimate friends and followers knowing perfectly well that He was corporeally, at the time of His so-called resurrection, a mere resuscitated and helpless invalid, and that if He subsequently lived, for a number of days or weeks or months or years, on this earth, and then died, the stress which they laid on His resurrection was a mere fraud,—a conviction that would have put a final end to all that enthusiasm of faith on which the spread of His gospel wholly depended. Of all suppositions, that which seems to be the most irrational is the supposition that our Lord recovered in the ordinary way from the exhaustion and torture of the Cross, and died a natural death at last, without a rumor of the truth having escaped to extinguish forever the awe and gratitude with which His resurrection had been regarded by the infant Church. But the object of Huxley's paper was hardly, I think, so much to convince the Metaphysical Society that the resurrection of Christ had been believed by Christians on no evidence worthy of the name, as to seize an opportunity for a very eloquent apology for the incredulity of men of science. Professor Huxley ended by remarking that men

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of science are often told that the study of physical science unfits them for the due estimate of moral probability, and that indeed it might be so if moral probability is to be considered as the art of "accumulating inconclusive arguments, in the hope that a great heap of them may at least look as firm as one good demonstration." But, he went on, men of science have one advantage:—

"We are daily and by rough discipline taught to attach a greater and greater responsibility to the utterance of the momentous words 'I believe.' The man of science who commits himself to even one statement which turns out to be devoid of good foundation loses somewhat of his reputation among his fellows, and, if he be guilty of the same error often, he loses not only his intellectual, but his moral standing amongst them. For it is justly felt that errors of this kind have their roots rather in the moral than in the intellectual nature. Doubtless, men thus sharply disciplined are apt to apply their own standards of right and wrong universally; and where such a story as the miraculous version of the resurrection is presented to them for acceptance, they not only decline to believe it, but they assert that, from their point of view, it would be a moral dereliction to pretend to believe it. Looking at fidelity to truth as the highest of all human duties, they regard with feelings approaching to abhorrence that cynical infidelity which, when Reason reports 'No evidence,' and Conscience warns that intellectual honesty means absolute submission to evidence, attempts to drown the voice of both by loud assertion, backed by appeals to the weakness and the cowardice of human nature."

That has always seemed to me one of the most characteristic and most impressive specimens of Professor Huxley's eloquence, which was eloquence of no common order. And it certainly contains a lesson which we all greatly need. But it does not convince me that Professor Huxley's own mind was not as much open to prepossessions of a very potent kind against a good many sorts of conclusive evidence, as the minds of many who have not been submitted to what he justly calls the "sharp discipline" of scientific training. For in his combativeness he "drank delight of battle with his peers," as eagerly as ever did Ulysses "far on the ringing plains of windy Troy." And this militant spirit of his gave him far too implicit a confidence in the armor of men of science to admit of his feeling half as self-distrustful as some of the opponents on whose credulity he looked down. He was always more himself when he was, in his own opinion, destroying some idol of his antagonists, than when he was stating what he believed to be a truth. For example, he claimed to be in the strictest sense an Agnostic. He thought it the only true sort of religion to cherish "the noblest and most human of man's emotions by worship, 'for the most part, of the silent sort,' at the Altar of the Unknown and Unknowable"; and he sympathized

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with those Athenians who had set up an altar ἀγνώστῳ θεῷ, "to the unknown God,"—the incident related in the Acts of the Apostles,—from which he borrowed for himself the name of Agnostic. But whenever he came to explain what these emotions are, which are so noble and are yet excited by the pure negation of all knowledge, you find him slipping in a good many assumptions to which, if used by an opponent, he would have taken the strongest objection, as exhibiting a most illegitimate use of "the momentous words, 'I believe.'" For example, in one of the most impressive of his lay sermons, he says:—

"Suppose it were perfectly certain that the life and fortune of every one of us would, one day or other, depend upon his winning or losing a game of chess. Don't you think that we should all consider it to be a primary duty to learn at least the names and the moves of the pieces; to have a notion of a gambit, and a keen eye for all the means of giving and getting out of check? Do you not think that we should look with a disapprobation amounting to scorn, upon the father who allowed his son, or the State which allowed its members, to grow up without knowing a pawn from a knight? Yet it is a very plain and elementary truth that the life, the fortune, and the happiness of every one of us, and, more or less, of those who are connected with us, do depend upon our knowing something of the rules of a game infinitely more difficult and complicated than chess. It is a game which has been played for untold ages, every man or woman of us being one of the two players in a game of his or her own. The chess-board is the world, the pieces are the phenomena of the universe, the rules of the game are what we call the laws of Nature. The player on the other side is hidden from us. We know that his play is always fair, just, and patient. But also we know, to our cost, that he never overlooks a mistake or makes the smallest allowance for ignorance. To the man who plays well, the highest stakes are paid, with that sort of overflowing generosity with which the strong shows delight in strength. And one who plays ill is checkmated,—without haste, but without remorse. My metaphor will remind some of you of the famous picture in which Retzsch has depicted Satan playing at chess with man for his soul. Substitute for the mocking fiend in that picture a calm, strong angel who is playing for love, as we say, and would rather lose than win,—and I should accept it as an image of human life. Well, what I mean by Education is learning the rules of this mighty game."

"We know that his play is always fair, just, and patient." The words "we know" are stronger, and are even more "momentous" than the words "we believe." They are expressive of the very opposite of "agnosticism." Where, then, is the agnostic? *How* do we know that the player is a "strong angel who is playing for love, as we say, and would rather lose than win"?—and yet Professor Huxley tells us, almost in the same breath, that the hidden player is one who does not even give "a word and a blow, and the blow first, but the blow without the word." "It is left to you to find out why your

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ears are boxed." That is Professor Huxley's own description of the mode in which the "strong angel who plays for love, and would rather lose than win," treats the unfortunate player who has to find out for himself even the rules of the game at which he is playing,—a treatment, as it seems to me, neither angelic nor "generous." But the eloquent teacher was himself so expert in boxing the ears of those who, in his opinion, had never learned the rules of the games at which they played with him, that I suppose he thought the same policy perfectly legitimate in the mysterious player to whom he gave "worship mostly of the silent sort," for want of the knowledge which would have enabled him to explain clearly why the worship was given. The moment he attempts to explain why he worships, he assumes what he would have taken an ordinary theist severely to task for presuming to assume. Yet how any "noble emotion," even of the silent sort, is to be fostered toward a being who has no recognizable attributes, this great intellectual wrestler never ventured to declare.

Professor Huxley was very well read in the philosophy of the mind, but there again he seems to me to have had his attitude determined by a fixed iconoclastic purpose. On the critical subject of Free-will and Necessity, he never, I think, went to the bottom of the subject, but was always delighted to bewilder his opponents by saying strong things in a vivid way. In his little study of Hume, he never really discusses the deepest question at issue, but turns the flank of the Free-willist's position by such phrases as: "In that form of desire which is called 'attention,' the train of thought held fast for a time, in the desired direction, seems ever striving to get on to another line," [1] yet to call one of the most characteristic forms of volition a "form of desire" is the most audacious philosophical *petitio principii* with which I am acquainted. Of course if will is a mere "form of desire," there is no question to argue; but the very issue between Professor Huxley and his opponents depends on whether, when we resolve to attend to an unwelcome subject, in spite of the desires which strive to get "on to another line," it is the desire which holds the thought fast, or that which overrules and controls desire, namely, the will. How audaciously Huxley dealt with this fundamental issue of philosophy, nothing could show better than the striking passage in the lecture on Descartes, in which he says: [2]—

"Thus I am prepared to go with the Materialists wherever the true pursuit of the method of Descartes may lead them, and I am glad on all occasions to declare

[1] Hume, p. 92.

[2] "Lay Sermons," p. 296.

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my belief that their fearless development of the materialistic aspect of these matters" [namely, the possibility of establishing a correlation between mechanical force and volition] "has had an immense and a most beneficial influence upon physiology and psychology. Nay, more,—when they go further than I think they are entitled to do,—when they introduce Calvinism into science, and declare that man is nothing but a machine, I do not see any particular harm in their doctrines, so long as they admit that which is a matter of experimental fact,—namely, that it is a machine capable of adjusting itself within certain limits. I protest that if some great Power could agree to make me always think what is true, and do what is right, on condition of being turned into a sort of clock, and wound up every morning before I got out of bed, I should instantly close with the offer. The only freedom I care about is the freedom to do right; the freedom to do wrong I am ready to part with on the cheapest terms to any one who will take it of me. But when the Materialists stray beyond the borders of their path, and talk about there being nothing else in the world but Matter and Forces and necessary laws, . . . I decline to follow them."

That is an admirable specimen of the vivacity with which Professor Huxley spoke at the Metaphysical Society, and of the manner in which he, like the hidden player in the great game of life, boxed the ears of his antagonists without telling them why their ears were boxed. But it seems to me that nothing could be more sophistical than the way in which, in this powerful passage, he plays with the word "freedom." He says he should have no objection at all to be wound up like a chronometer, if, by being thus wound up, he could always secure going right; but then he says it is only the freedom to go right about which he cares, and that he would part with the freedom to go wrong on the cheapest terms to any one who would take it of him. But does he really mean that a chronometer has any freedom to go either right or wrong? I suppose that, so far as it goes right, it is under the necessity of going right, and has no freedom in the matter. And what he means is, therefore, that if he could part with every atom of freedom on condition of always feeling and acting as he should, he would grasp at the offer. But how are you to do right if the very meaning of the word is changed, and there is no such thing as right to do. Right as applied to the going of a chronometer, and right as applied to the actions of the will, are as different in meaning as the "reins" with which you rein in a horse are from the "reins" which summon you in the night season to reflect on your conduct during the day. You might just as well call a good chronometer "virtuous" as call a man a right-doer who was as mere an automaton in everything he did as he is in breathing, or blushing, or turning pale. Professor Huxley always knew how to bewilder his antagonists, but I think he sometimes bewildered his antagonists

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without really convincing himself. His eagerness to be an automaton would hardly have been proclaimed if there had been any chance of his being taken at his word. But then his readiness to be transformed into an automaton did not seem to him inconsistent with retaining his "freedom to do right."

What I have never fully understood is the reverence which Professor Huxley expressed, and certainly deeply felt, for Jesus of Nazareth—whom he called "the greatest moral genius the world has seen,"—though he himself regarded worship "for the most part of the silent sort" at "the altar of the Unknown and Unknowable" as the ideal of the highest human worship. Of course I do not doubt that he made the allowances which every wise man must make for the immense chasm between the age of faith and the age of science. But why he should speak of Jesus Christ "as the realized ideal of almost perfect humanity," if agnosticism be the nearest approach to truth that we have yet made, I cannot understand. Surely "the realized ideal of almost perfect humanity" has done more to keep the human race from appreciating "natural knowledge" at the high rate at which Professor Huxley appreciated it, than any other human being who ever lived. Nay, even Christ's pure and ideal morality was rooted deep in the life of a living God, and not at all like "worship for the most part of the silent sort" at "the altar of the Unknown and Unknowable." I cannot imagine any book which has diverted the human race so far from the true path of education as Professor Huxley traces it out in his "Lay Sermons," as the Bible; nor any life traced in the Bible which has had a tenth part of the same effect in causing that wide departure from the study of what Professor Huxley meant by "natural knowledge," as that of Jesus Christ. Professor Huxley declares that to the Palestinian Jew "God was immanent in a sense few Western people realize." Well, was that a conception that has led the world right, or that has led it wrong? If right, Agnosticism must be in the last degree misleading. If wrong, how can Jesus of Nazareth be "the realized ideal of almost perfect humanity"? There never was a more dazzling, misleading will-o'-the-wisp than the attitude of Jesus Christ toward God, if the teaching of Professor Huxley's "Lay Sermons" is to be regarded as verifiable. "The man of science," said this great warrior on the side of the skeptics, "has learned to believe in justification not by faith, but by verification." Well, what was the verification of the positive teaching "that the hairs of your head are all numbered"? Was it,

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in Professor Huxley's mind, "justified" at all? And if not, what is more paradoxical than the proposition that Jesus Christ was "the greatest moral genius the world has seen," and that he was the realized ideal of almost perfect humanity? Did Jesus Christ ever conceive the duty of skepticism as to the love and guardianship of God? And how, then, could Professor Huxley reverence so profoundly the man who taught the creed most opposed to his own that "Skepticism is the highest of duties, blind faith the unpardonable sin"?

The only manner in which, with my knowledge of the man, his tenderness and his combativeness, his irony and his impulsive moods of reverence, I can reconcile Huxley's strong denunciations of anything like unverified beliefs, with his sudden bursts of passionate feeling for One who was by no means a worshipper of the Unknown or Unknowable since he led the world into a perfect rapture of belief that rendered it blind and deaf for centuries to "natural knowledge," is by assuming that a great deal of his skepticism was a kind of habitual expression of the eager combativeness of his nature. If the words "I believe" were to him so "momentous," it was not solely because they and their converse expressed the final judgment of a very keen intellect, but also because they embodied the defiance of a very warlike and ardent spirit. Professor Huxley loved to throw down the glove to those who seemed to him to bar the way against the exploring genius of a very daring nature. But, none the less, he had that in him which often spurred him on to renounce his own most cherished canons of judgment and most approved repudiations of faith. Before that unseen player, whom he recognized as so utterly unknown and unknowable that he contrasted him almost scornfully with the God of Christian creeds, he sometimes invited us all to bow our heads in acts of true adoration. And so long as he could combine his love of Christ with some sort of defiance of conventional Christianity, he did not hesitate to prostrate himself before the Being whose normal nature subdued him into a feeling of awe for which he could find no adequate utterance, and in the presence of which, physical wonders lost their impressiveness, and the ethics of tribal evolution, to which he subscribed, found themselves so utterly bereft of all sublimity, that they seemed the pallid ghosts of the vision and the thought of Christ.

RICHARD H. HUTTON.

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CRIMINAL ANTHROPOLOGY: ITS ORIGIN AND APPLICATION.

ONE thing strikes you when you enter one of our courts,—the sight of judges, state employees like others, who think that they cannot fulfil their functions unless they are masked in a costume of the Middle Ages. The same spirit pervades their judgments. These are often evoked from remote ages. Antiquity is more honored than the truth. The lawyer who can cite in behalf of his client a law of the twelve tables has a better chance to gain his case. Worse yet, the courts are often led astray by formulas that had some sense at the time of their origin, but have none now and simply turn justice from the true path. In Italy, for example, sentences are often annulled because the clerk had forgotten to preface them with the formula, "In the name of His Majesty, by the grace of God and the will of the people, King of Italy." The law prescribes times for the accomplishment of certain formalities. Now justice is often denied to poor wretches who are quite in the right, because they come a half an hour too late, or because they have made a mistake of a few moments in the execution of these formalities.

What is the reason of all this? It is because of the tendency of the human mind to reduce to a minimum the number of mental associations required in a given task. The literal interpretation prevails in practice over all considerations of justice. Legal provisions can be only the rude and imperfect indication of the legislative will, useful only as a guide to the magistrate in attaining justice by a personal mental effort. But they have taken the place of justice and right, and the magistrate has to apply them literally. To judge rightly he ought, in each case, to have resort to his own consciousness, to give free course to those associations of ideas and emotions of which the complexity is so great. He ought to compare the answer of his own consciousness with the customary interpretation of the law. If they do not agree he should examine the differences, analyze the provisions of the law, and, comparing the idea of the more

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frequent cases for which the law was made with the idea involved in the specific case, modify the application as justice requires.

But this is a long, complex, difficult task. If the comparison be not obvious enough, the judge becomes lost in doubt, and every new case requires a renewed effort. How much simpler it is to apply general provisions of law, drawing from them their logical inferences, not bothering with all the concomitant associations of ideas and emotions, but merely following a longer or shorter chain of reasoning. Once this habit of idio-emotional, or let us call it professional, judgment is formed the mind continues to consider only the logical relations of the general principle to the specific case. It excludes all collateral associations of ideas and feelings, numerous and varied as they are, which lead to a just solution of the actual question. The lofty and complex sentiment of justice is reduced to a sentiment of satisfaction in the logical application of the general principle. All notion of the wrong done to the victim, and the causes of that wrong, is excluded. In brief, the idio-emotional judgment results in the substitution of pure logic for observation and investigation of facts, a characteristic of the primitive periods of science and of periods of scientific degeneracy and decadence.

The consequences of this heedlessness are enormous. The judges pronounce judgment as if the crime formed the simplest incident in the life of the criminal. The criminal, on the other hand, does all that he can to prove the contrary by the rarity of his repentance and his continual relapses, which often reach 80 per cent, with enormous peril and expense to society, and discredit to justice,—which is often only a futile fencing with the criminal for the sole benefit of some rhetorician. The trouble is still greater when the same penalty is administered to a man who kills and steals from cupidity, and to one who has been impelled to crime by a great and noble passion,—patriotism, for instance, or love. It is a long time—thirty years—since I began to think that to avoid these pitfalls the criminal and not the crime must be studied. How did I reach this conclusion? How did I succeed in establishing it?

I. HISTORY OF THE DISCOVERY.—ATAVISM OF THE CRIMINAL.

I arrived in Paris in 1861, a very young clinical professor of mental disease, a boy, with my head full of philology and comparative physiology. I soon saw that the most serious lack in this science

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was that of anatomical and anthropological knowledge. They were studying insanity in general without studying individual lunatics. I set to work. I insisted that we should study lunatics as we would a special variety of the human race, noting the skin, the form, the skull, and particularly the functions, sensibility, etc. My colleagues laughed at me and called me the "Doctor of the steelyard." Little by little the idea prevailed, and now they seem almost to have forgotten who it was that introduced the new somatic school. I had a strong desire to study the morally insane who have since been shown to be the born criminals. It was a principle of mine to deny everything which I did not see, and as there were none of these in our clinic I was inclined to deny their existence. Nevertheless, to make sure of the facts, I commenced to occupy myself with criminals, to frequent prisons, and carefully to gather skulls and brains of prisoners. One evening there died in one of the prisons of the city a celebrated brigand, robber, and incendiary who had often escaped by means of his great agility. Upon the death of this man, who was a true type of the born criminal and morally insane, I examined his skull. It presented an enormous median occipital fossa in place of the occipital median spine which occurs in the interior of the skull. This is a characteristic wanting in the superior apes and existing in all other vertebrates. I made the autopsy in the yard of the prison in the early hours of the morning. The day was very foggy, in the winter of 1864. The weather and the place did not permit me to make a thorough autopsy, but I recollect how, at that moment, the whole idea of my future work rose before me like a picture.

I instantly perceived that the criminal must be a survival of the primitive man and the carnivorous animals. The idea, though yet embryonic, was perfected a few days later, when I was called as an expert by the tribunal of Bergamo in the case of a sort of Jack the Ripper,—one Verzenti. This young peasant, with cross eyes and enormous jaws, was possessed with a desire to disembowel, chew, and eat morsels of women, young and old, who happened to cross his path. He afterward confided to me in secret the great erotic pleasure which he experienced in this.

Then I went furiously to work in the examination of facts, in museums, in prisons, especially at Pesaro (when I was director of an insane asylum), near a great cellular prison where, with a corps of aides, I could go whenever I wished. Some of these took weights, others measured the figures or sketched the faces of the

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criminals. As for myself, I noted the more important characteristics, questioned the prisoners, treating them to cigars and wine, and applied to them all the modern methods. While the criminal had his hand in the plethysmograph, which gave me in graphic lines all the psychic impressions and the reactions of the brain, I showed him things likely to interest him strongly,—a woman, a purse, a glass of wine, cigars,—and noted the effect of these impressions and especially the effect of electric currents. The result indicated a curious insensibility. To complete my studies I finally shut myself up for three years in the great cellular prison of Turin as a physician, until my health was undermined.

It was there that I perceived that my earlier ideas fell short of the truth. I saw that the criminal was worse than the savage, worse sometimes than the true carnivora, especially as regards analgesia. On one occasion I saw one of these criminals, who was working upon a roof several yards in height, fall to the ground and immediately return to his work as if nothing had happened. On another occasion a woman refused, for many days, to allow herself to be cared for, until the odor warned us of the presence of gangrene. It had, in effect, eaten away four fingers from one hand, where she had been cut by her lover. The total of these facts thus gathered was enormous, so that the image of the criminal arose from them in perfect clearness. The anatomy of criminals showed a great number of completely atavistic changes: surcillary arch and frontal sinus enormous; median occipital fossa; suture of the atlas; virile aspect of the skull in women; double articular face of the occipital condyle; flattening of the palate; large oblique orbits varying from 2 per cent to 58 per cent. These traits are often grouped in the same individuals, producing a *type*, in the proportion of 43 per cent. The convolutions of the brain present frequent atavistic anomalies, such as the separation of the calcareous fissure from the occipital, the formation of an operculum of the occipital lobe, and absolutely atypical variations, such as the transverse furrows of the frontal lobe.

The study of 25,000 living beings confirmed, though less constantly, the frequency of the anomalies revealed by the anatomical table. It showed analogies between savages and delinquents in the proportion of 35 to 36 per cent. Among these anomalies were prognathism; the hair black and crisp; the beard thin; oxicephaly; oblique eyes; small skull; the jaw and the zygomes developed; the forehead retreating obliquely from the eyes; the ears large; analogy between

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the two sexes; a greater extension of all new characteristics added to the necroscopic characteristics which assimilate the European criminal to the Mongolian and Australian type.

A photographic study of 5,000 criminals furnished a means of verifying and fixing the frequency of the criminal physiognomic type in the proportion of 25 per cent, with the maximum of 56 per cent for assassins, and a minimum of 6 to 8 per cent for bankrupts, swindlers, and bigamists. Photography showed how often the ethnic type is effaced among criminals, while they have with each other a veritable resemblance. It shows the frequency of feminine aspect among certain thieves and pederasts, and virility among many female criminals, especially murderesses. A study of 800 free men showed that there may often be found among these the characteristics of degenerate physiognomy, but very rarely, almost never, combined in the same person, and frequently justified by latent criminality. It often happens that greater shrewdness, wealth, or political influence avert the action of the law and hide the criminal in men of great power,—Crispi, for example, or, in New York, the leaders of the Tammany ring.

The anomalies appeared still stranger on studying the psychology and the biology of these unfortunates. Here the analogy with savages was more striking, especially as to tattooing, which in certain criminals prevails to the extent of 25 per cent, among thieves 16 per cent, among minor criminals 34 per cent, and which often serves, as among the savages, to indicate a sect or to boast of a crime. Tattooing is sometimes composed of true pictographic characters, as in the writing of the Indians reported in the publications of the Smithsonian Institution. Thus one man was tattooed with the figure of a woman, winged and crowned. "I caused her to take flight," he said, "for she fled with me, and by me she lost her virgin's crown." She had in her hands two bleeding hearts, denoting the parents who mourned her. Like savages, criminals display great insensibility to pain, which explains their longevity, their ability to bear wounds, their frequent suicide. As with savages also, their passions are swift but violent, vengeance is considered as a duty, and they have a strong love for gambling, alcohol, and complete idleness. Thus the New Caledonians were accustomed to repeat, without knowing it, the remark of the murderer Lemair, "Better die than work." In connection with this, I remember reading one day in a scientific review that among the Australian savages there were found more left-

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handed persons than among Europeans. I immediately made observations upon 600 criminals in Turin, and found the proportion of left-handed ones double that in the same number of journeyman printers. Again, having read that savages have greater visual acuteness, I set to work with the oculists and found indeed that the acuteness of their vision was far greater than the normal, contrasting witht heir dulness of touch, hearing, and sense of color. At another time I read concerning a tribe of American Indians that their plays were almost like combats. Then I studied the games and amusements of young criminals in the reformatories, and I found that almost always these amusements involved wounds, even more often than among the savages. Thus, in one game, the object of a player was to save the head and hands from the wounds of two knives used by the others.

However, these observations were not so original as I at first thought they were. The knowledge of a criminal physiognomic type, which at first appeared most novel, and was most generally denied by the savants, is often instinctive among the common people. There are often persons, especially among women, who are far from suspecting even the existence of criminal anthropology, and who yet, at the sight of those who bear criminal characteristics, instantly experience a lively repulsion and know that they are in the presence of a malefactor. I was acquainted with one lady whose life was quite withdrawn from society, who on two occasions discovered the criminal character of certain young people, not before suspected, but afterward detected by the police. How often we read in the reports of trials, of perfectly honest people, unfamiliar with the slightest anthropological observations, who escape certain death from being warned in time by the sinister glance of the assassin, in which they read his criminal intention. It was in this way that the first letter-carrier who was to have been the victim of the murderer Francesconi had time to flee, haunted by that glance. At my request schoolmasters have shown to forty young girls twenty portraits of thieves and twenty of great men. Four-fifths of these children recognized the first as wretched creatures or as scoundrels, and the second as honest men. The universal although involuntary consciousness of the existence of a physiognomy peculiar to criminals has given birth to the epithets "a thief's face," "the look of an assassin," etc. The only way to explain the opposition to the fact is the reluctance of men to draw a general conclusion from individual observations. But

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how is this universal consciousness itself to be explained? In young girls there is certainly no knowledge acquired by experience. Then what is there? An intuitive sense, is it said? That is a vulgar explanation with which the public is contented because it has no meaning.

I suspect that the phenomenon is hereditary. The impression left us by our fathers and transmitted to our children has become unconscious knowledge, like that of the little birds born and reared in our houses, who strike their wings and beaks in fright against their cages when they see pass above them birds of prey known only to their ancestors. Every day teaches us the importance of the unconscious part in human actions, and what a rôle is played by atavism and heredity. Who of us can realize, when he bends the knees and joins the hands in prayer, that he is making an hereditary movement transmitted from those epochs of barbarism when war was the normal state?

II.—EPILEPSY OF BORN CRIMINALS.

My work was only at its beginning. In the earlier years, possessed by the idea of the skull with its occipital fossa, I believed that the criminal was solely and simply an atavistic phenomenon. I was soon compelled to admit that there are in born criminals, not in others, still stranger anomalies than are presented by savages, and with which atavism has nothing to do. These are: precocious wrinkles, irregular teeth, strabismus, synostosis, osteoma, hernia; meningitic, hepatic, and cardiac lesions. These show the criminal to be abnormal before birth, through the disease of various organs, especially the nervous centres. This again is confirmed by histologic observations, dilation of the cerebral lymphatic vessels, pigmentation of the nerve and connective cells, obtuseness of the senses.

I must confess that in my studies I have never reached the solution of my problems suddenly. Thus, in the study of the nature of the *pellagra*, or Italian leprosy, I reached a solution only by successive stages and by accidents occurring in the path of my studies. This time, also, I was aided by an accident after much time lost in investigation. A soldier at Naples, one Misdea, assassinated without any plausible motive three or four of his companions. It was not noticed in any way, on this occasion, that he had an attack of

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epilepsy. He showed great coolness in his murder and remembered it sufficiently well, though not quite correctly. The entire life of this man, who was descended from a line of degenerates, murderers, and epileptics, was a mass of crimes and diseases. One day he set out to kill his *fiancée*, fell fainting in a church, and lay there all night, foaming at the mouth. He remembered nothing of it. He was a barber by trade. In his regiment he had been relieved of this duty on account of his disease. He was straightway seized with a boundless rage, tore his razors into bits with his teeth, and spit them out before his superior officers. In studying this curious criminal I divined instantly that the disease, which was confused with and obscured by the atavism of the crime, was epilepsy.

In effect, in epilepsy there is found the same absence of moral sense, the same dulness of the physical senses, the same impulsiveness as among criminals. This discovery, strange enough in appearance, is very simple in reality. We often hear the spontaneous remark that certain attacks of criminal rage are marked by "epileptic fury." The discovery was rejected with great unanimity, even by those who, like Tamburini and Morselli, had seen cases of psychic epilepsy without convulsion and without amnesia as is often seen in the case of criminals. As for me, I am used to this reception from savants and demi-savants. Indeed, I see in it the sign that I have struck a new and fruitful vein. For thirty years my colleagues ridiculed me for maintaining that *pellagra* is a poisoning by spoiled maize; and during all those years I was known in Italy as the "pellagroseine crank." But there is one thing more trustworthy than academicians,—Time. After some years the proofs in this direction became very numerous. Left-handedness was found to be very frequent among epileptics, as well as insensibility to wounds. Dr. Ottolenghi discovered a characteristic peculiar to epileptics and born criminals alone, the interruption and contraction with scotoma of the periphery of the visual field. Rossi demonstrated that the proportion of epileptics among criminals was 40 per cent. Even the official statistics of the criminals showed the proportion to be six times more than normal. Krafft-Ebing, and Panata of Verona, found epilepsy in the case of many sexual psychopaths, which explains almost all the more curious crimes due to luxury. Literature, both the ancient and the most modern, agrees with these views. Shakespeare surmised epilepsy in the mind of Macbeth, who suffered from hallucinations. Goncourt saw epilepsy in the murderer of the girl Eliza. Dostoi-

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ewski described all his criminals as epileptic in his "Crime et Châtiment." Zola, without knowing it, gave us a complete type of psychic epilepsy in the murderer of "La Bête Humaine." I was able to found the first editions of my "Delinquent Man" on living documents, taking as a basis atavism and epilepsy.

III.—NEW STUDIES: FERRI, GAROFALO, MARRO.

By a strange coincidence, which may be called the maturing of an idea, a young man of Bologna, Ferri, about this time wrote a book in which he demonstrated that if there is no free will all the laws should be changed, for punishment has no influence upon the criminal. He continued in this direction, entered completely into my ideas, and showed that I had not taken sufficient account of the occasional criminal and the habitual criminal. Finally he applied himself to the study of "Fifty Years of Criminality in France," supplying for me another of my defects—that of statistics, which has never been my forte. Later he gave in his "Criminal Sociology" all the sociological bases of our school. At the same time a young magistrate of Naples, Garofalo, who acknowledged no standard of punishment but the defence of society, summed up his studies in the sentence, "The more a man is to be feared, the more he should be confined." Shortly after, Marro, a laborious and learned alienist of minute exactness, contributed powerful support to my theories by studying with the patience of a Benedictine all the moral, physical, and psychical characteristics of five hundred criminals, divided, according to the crime, into thieves, swindlers, etc., and compared them with two hundred normal persons of the same country and age. As a climax of exactness he prepared in twelve personal tables all the observations that he had made and provided for the verification of his conclusions. It will be seen that the little edifice, which was quite rudimental when I began to work alone, was beginning to be completed. Thanks to these critics I was able to add to the criminal born the insane criminal (who is quite as formidable, and resembles him closely), the mattoid (also known as the "crank"), and the criminaloid (a semi-criminal born, who requires a great occasion to violate the laws), and the occasional criminal (who violates them when forced by circumstances). But the gap was not yet entirely filled. One last and almost tragic accident revealed to me the criminal through passion. I was one day in a printing-office, correcting the proofs of my

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"Delinquent Man" with the chief reader. I came to a page which spoke of a young man in the diplomatic service who, impelled by jealousy only too well justified (his *fiancée* had almost shown him the price of her prostitution), had stabbed her with a knife and afterward stabbed himself. Sentenced to a light punishment, he had disappeared. The proof-reader was this man. Suddenly he threw himself at my feet, declaring that he would commit suicide if I published this story with his name. His face, before very gentle, was completely altered and almost terrifying, and I was really afraid that he would kill himself or me upon the spot. I tore up the proofs, and for several editions omitted his story; but I had discovered the criminal through passion.[1] There is a class of men, young, honest, of gentle appearance, whose beauty of soul corresponds to their beauty of body, in no wise apathetic like born criminals, but of an exaggerated affectionateness. One of these young men, being in love and unable to talk with his lady-love, put his ear to a wall, transported with delight to hear her step. My proof-reader declared that he wished to burn his ears with red-hot iron when he heard his *fiancée* uttering unclean things. All these men are capable of remorse and of repentance, and are impelled to crime by a strong and often just cause. They commit the crime in broad daylight, with whatever weapon is at hand, and never seek to prove an alibi. It is my opinion that many political criminals belong in this category,—Orsini, for example, Sand and Charlotte Corday.

After this the work arose, it may be said, if not complete, certainly vital and fecund. A large number of monographs appeared upon special crimes, which would not have been published before. Balestrini made a wonderful study of infanticide and abortion, and demonstrated that these crimes might almost be stricken from the code,—on the one hand because criminals through passion are incapable of relapse, and on the other hand because, in the case of abortion especially, what is killed is not a man, but a being inferior in the zoological world. Margri at Pisa undertook a study of theft. Florian took up another on defamation, showing that what resembles defamation and is severely punished by the Italian law—which always goes contrary to right—is a necessity of moral and political lib-

[1] I may add that a few years later this man, who had married an extremely plain woman, and who had told me that at the slightest suspicion of his wife he would kill either her or himself, committed suicide without any known cause. I made a study of his skull and brain and found them of admirable beauty.

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erty; that the liberty of criticism, even when it is offensive, should not be restricted, but favored in every possible way. Sighele studied collective crime. He showed, more amply than I had been able to do, that aggregations of human beings have a character quite opposed to that of the units of which they are made up. Though the majority of the crowd may be good, the crowd itself may be converted into a cruel beast. The passions of each, when shared by a great number of individuals at once, become doubly intense, because the emotion of each is communicated from one to another, and the latent criminality of every individual breaks out through the certainty of impunity or through the influence of some one not so honest. This is the basis of his "Foule Criminelle." In another work, "Le Crime à Deux," he demonstrated that persons associated for evil are more to be feared than any single criminal. Occasional criminals, or criminals through passion, never have accomplices. I, myself, with Laschi, constructed a complete penal system for political crimes, starting from misoneism. In nature the law of inertia prevails, and still more in the human race, which has a horror of the new. Every precipitate change which is not extorted by necessity is painful to it, and in politics is punished, for it goes against the opinions and sentiments of the majority. If organic and moral progress does not take place slowly, through powerful attrition, provoked by exterior and interior circumstances, and if man and society are distinctly conservative, it must be concluded that those efforts in favor of progress which adopt means too abrupt and too violent are not physiological. They may sometimes be a necessity for an oppressed minority, but in the eyes of the law they are anti-social and therefore a crime. Often it is a useless crime, for it awakens reaction in the misoneistic direction, which, since it is solidly based on human nature, has great force. All progress, to be accepted, must be slow, otherwise it is futile and mischievous. Those who wish to impose a political innovation upon society, without tradition, without necessity, offend misoneism and arouse that reaction in the public mind which comes from a dread of the new, and invite the application of the penal laws. Here appears the distinction between revolutions and revolts or seditions. The former are slow, long-prepared, necessary, or at most hastened a little by some neurotic or passional spirit. The latter may be an artificial and precipitate incubation, at an exaggerated temperature, of embryos doomed to certain death. These latter are for the most part the work of mattoids (semi-lunatics), lunatics, and

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born criminals who have a strong tendency to innovation. The former prevail more among the Germanic and Anglo-Saxon races in cold or temperate climates (Luther, Cromwell); the latter are more often found in Latin, Catholic, and warm countries.

Mr. Henry Ferri made a brilliant beginning with the biological, psychical, psycho-pathological study of homicide in his "Criminels, avec Atlas." Under natural conditions of primitive humanity homicide bore, in many respects, a great part, and Mr. Ferri notes with great perspicacity a double process of evolution, toward diminishing ferocity and moral sentiment, and toward judicial institutions. Homicide, therefore, in the form of sanguinary vengeance, is the embryo of all social rights of repression. He infers that murder is not the product of an abstract voluntary fiat, but that it has its roots deep in the animal organism; that it is the natural effect of physio-pathological, physical, and social causes. He gives us the evidence in insensibility, which is the key of innate criminality; in the indifference, and sometimes the pleasure, taken in the sufferings of others; the cool ferocity of crime; the apathetic impassibility as to the crime itself and its penalties,—evident proof that this psychic analgesia is founded upon physical anæsthesia. He shows the futility of motive, the disdain of human life which is a characteristic of savages, and finally the behavior of born homicides, cynical and vain during their trial, and very different afterward. Ferri reports numerous original observations which show that, contrary to the general belief, many homicides confess their crimes, and do so much more frequently than thieves or pickpockets. Quite novel, and capable of a still greater development, is his study upon moral daltonism, by which, in certain criminals, there exists a strong aversion for certain crimes and for the causes and reasons for committing them. Moreover, despite these abnormal conditions of their general senses, criminals also possess sentiments common to other men, but differently developed, lacking the guide and check of the moral sense. For instance, the religious sentiment, which is very frequent among homicides, has nothing to do with the genesis of the crime, because it represents rather a moral sanction than a true and proper moral sense. The most extraordinary part of this work is the atlas. The figures of arid criminal anthropometry are handled with striking certainty. Accounts are given of 695 investigations of great variety and interest. It is the geography not only of homicide, but of all crimes in all the countries of Europe.

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Madame Tarnowski, in her studies of the *filles de joie*, thieves, and village women, demonstrated that the cranial capacity of prostitutes is inferior to that of the female thieves and the villagers, and still more to that of women of good society. *Vice versa* the zygomatic process and the mandibles were more developed among the former, who also showed a greater number of anomalies,—87 per cent; while the thieves had 79 per cent, and the villagers only 12 per cent. According to the author, what distinguishes the thieves from the prostitutes is their utter repugnance to giving any information as to their sexual relations, and the silence that falls upon them when the question is raised as to the causes of their confinement. They deny their offence and will not yield even to proof. The hereditary defects of thieves are less marked than those of prostitutes. The latter have, for example, among their ancestry, 82 per cent of inebriate relatives and 44 per cent of consumptives, while the thieves have only 49 per cent and 19 per cent respectively. Thus the thieves possess fewer signs of physical degeneration. Moreover the number of births among them exceeds that of the other class as 256 to 64, a circumstance approaching the normal.

Kurella and Fraenkel in Germany, Havelock Ellis and Morrison in England, extended the horizons of these studies by their own works and by translations from the Italian. A large number of reviews, entirely special, appeared on every side. "L'Archivio di Antropologia Criminale" is already in its eighteenth year. Kowalewski and Mucewski have two in Russia, Lacassagne one in France, Kurella one in Germany. There sprang also into existence a publishing house devoted exclusively to books on criminal anthropology in Italy, which has already issued more than sixty works in three series. A similar one was established in Germany under the direction of Kurella, and another by Morrison in England, which unfortunately commenced with the poorest of my works, making it still poorer by the cruelest mutilations.

IV.—PRACTICAL APPLICATIONS.

It is easy enough to see the practical application of these theories. The criminal code has been conceived through the study of crime as an abstraction. It must be modified by knowledge of the criminal. There should be in it no dream of theological expiations, which man has no right to impose, but it should aim solely at the defence of

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society. The greatest criminal anomaly—even insanity—should not be considered as an extenuating circumstance. Even lunatics should be arrested in order to protect society, especially the morally insane, who are a great peril, and the masked epileptics. In the punishment of crime the tendency of its authors should be considered. If the author is born criminal, he must be confined for life, though the crime itself is not great. On the other hand, a crime committed by an honest man impelled by some strong motive should be punished with much indulgence, especially political and religious crimes, which often only anticipate by some centuries the thought of the people. In our time, when hours are years and years are centuries, a political idea which appears to be dangerous and even criminal through its excessive novelty, after some time may appear practical and just. Such, for instance, were the ideas of Christ and of Luther, and at the present time the ideas of the equality of all classes and of the participation of workmen in profits. There was a time when it would have been a crime to maintain these ideas. Now they pertain to a possible reform. Then it must be understood that for these crimes there should be no irrevocable penalty, like death. The penalty should be revocable when the novelty has passed away and the idea is no longer criminal.

Vice versa, the hand of the law must fall heavily upon the recidivists, putting aside all sentimentality, especially if they have accomplices. And the complicity must not be judged arithmetically, for whether there are four or ten they are equally dangerous. It is merely preferring formulas to facts to exempt an association with less than six members, as is done in Italy, and to ignore the perils of any criminal association. A man who is not contented to steal himself, but enlists others, is more dangerous, and must be treated without pity. Justice cannot be an emanation from the Eternal Father repressing sin and disregarding interests. It especially should undertake to compensate the victims of crime at the expense of the criminal, making him work in order to pay the indemnity if he is not rich. It is a blunder also, when society has lost through the crime, to compel it to lose still more for the support of the criminal.

All efforts at reform should be concentrated upon occasional criminals. They are the only ones for whom much can be done. They should be removed from all opportunity by procuring them employment and protecting them from the mischievous influence of

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alcohol, not only by prohibitory laws and fines, which are generally a dead letter, but by giving them mental amusement, which will satisfy that cerebral excitement that is gratified by alcohol. Above all, the tendency to crime which appears in infancy must not be allowed to continue in youth and become habitual. All this has received no application in Italy. I was fairly startled when THE FORUM requested from me an account of the applications made in Italy of my ideas. What can one expect from a race of advocates and rhetoricians? When there is a great evil to correct we are contented to make laws, and speeches which have quite as much force. The speeches vanish, and the laws with them, producing no effect. But people get along contentedly because their apathetic quiet is not disturbed. In their hatred of the new they prefer suffering to change. It is true that a new criminal code has been made in our country since my school sprang up, but it is wholly opposed to my ideas. The penalties in the case of relapses have been almost suppressed with great applause in the Senate and the Chamber of Deputies. These great legislators take no account of the foes of free will or of classic law. Nevertheless the *manicome* (guardian of the insane) is necessary for criminals despite the law, and three establishments have been founded in Italy. The penalty of death, which is a sovereign remedy for us, has been abolished, though murderers continue and even multiply their offences.

No provision for judicial anthropometry has been established. An Italian, one of my dearest disciples, Anfasso, has invented an instrument, the tachianthropometer, which rapidly and automatically takes all the measures of the body (I call it, half in jest, the "anthropometric guillotine"), but after much negotiation the government did not accept it. The only countries where anything has really been done in the direction of my school are North America, England, and Switzerland. We must admit that there is a tendency to crime at a very early age. Children are liars, thieves, etc. This tendency in well-born children disappears with a good education, when they are removed from bad examples and evil incitements, but in the criminal born it is continued in spite of everything. Every effort that we can suggest to combat crime should be concentrated, not upon the criminal born, but upon the occasional criminal, to prevent him from wandering from the right path. This class forms about 75 per cent according to our calculations. Now, almost unconsciously, by that intuition which comes from practical vice joined to religious

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fanaticism unspoiled by formulas and by the bonds of Catholicism, London and Geneva have found the means to prevent the child not criminal born from being driven to evil through the abandonment of his parents or the want of work or of nourishment, so that he does not become an occasional criminal and afterward an habitual one. In this work the ragged schools, etc., Dr. Barnardo's missions, and the enterprises of the Salvation Army are engaged. While in England millions of rescued children are reported, in Italy there are only 12,000; and these are not really rescued, for the houses of correction and reformatories are in reality universities of crime. In the United States, especially in Boston and New York, great efforts have been made in this direction. In all these countries—in America, England, Norway, and Switzerland—an effort has been made to restrict alcoholic poison, which may transform the honest adult into the criminal. Unfortunately, in some countries, continual immigration composed always of adventurous men, together with the mixture of blood, black and yellow, having no common moral sense, and the evil influence of professional politicians, prevent results as important as at London and Geneva. But the United States alone can boast of having conscientiously applied scientific knowledge of criminal anthropology to criminal therapeutics, for at Washington there has been founded the first bureau for degenerates and abnormal people. The worthy founder of the Elmira Reformatory, with the frankness which is no longer found among our old races, has declared that his whole system of education is based upon the knowledge given by our school as to the criminal, and especially as to his psychology. To give new strength to good tendencies; to make of mischievous tendencies—vanity for instance—the stimulus toward the right way; to engraft the taste for work; to avail one's self of the natural desire of the prisoner to shorten his penalty; to remove from all adult occasional criminals the opportunity for relapse,—that is, according to our school, the greatest possible effort for the cure of crime: and I believe that these efforts would be crowned with still greater success if masses of individuals had not been brought together in the same place, and if the adults had not been employed to care for the young; if, following the example of Barnardo, instead of making the prisoners servants or workmen, they had been made good farmers. Nevertheless, when I compare these establishments with those which I see in Italy and in France, where there is only the appearance of work, with a varnish of bigotry, I am happy and proud. If the new ideas sprung from our old

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European soil must perish there for want of people who understand them, they will find in the new world fervent supporters, able to perpetuate and apply them. As the inspiring fruit of the vine, which was the first joy and the first sin of the ancient world, is now commencing to be returned to us from the new world modified and improved, so the true political liberty, a Utopian dream in our ancient continent, has already taken deep and sure root in North America, whence the great thinkers of Europe may draw new force for work, and whither they may direct their last glance, finding consolation for a life misunderstood and disdained.

C. LOMBROSO.

Readers desiring to investigate this subject further may consult with advantage the following books and articles: Lombroso, "Delinquent Man"; Lombroso and Ferrero, "The Female Offender," New York (D. Appleton & Co.); Havelock Ellis, "Men and Women," New York (Charles Scribner's Sons); Z. R. Brockway, "The State and the Criminal," THE FORUM, November, 1886; W. M. F. Round, "Criminals and the Victims of Heredity," THE FORUM, September, 1893; Henry C. Lea, "The Increase of Crime and Positivist Criminology," THE FORUM, August, 1894; Ferri, "La Sociologie Criminelle," author's translation from the 3d Italian edition, 1 vol., Paris, 1893 (Rousseau); Garofalo, "La Criminologie," 3d ed., 1 vol., Paris, 1892 (Alcan); Tarde, "La Criminalité Comparée," 2d ed., 1 vol., Paris, 1890 (Alcan); Falkner, "Prison Statistics of the United States," Philadelphia, 1889; Morrison, "Crime and its Causes," 1 vol., London, 1891 (Swan, Sonnenschein & Co.); Köbner, "Die Methode einer wissenschaftlichen Rückfallstatistik," 1 vol., Berlin, 1893; Von Oettingen, "Die Moralstatistik in ihrer Bedeutung für eine Socialethik," 3d ed., 1 vol., Erlangen (Deichert).

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SHALL CUBA BE FREE?

On October 28, 1482, Columbus discovered Cuba. His son Diego, in 1511, fitted out an expedition consisting of 300 men, and despatched it under command of Diego Velasquez to take possession of the island and begin its colonization. According to all early writers, the Siboney Indians, who possessed this noblest of the Antilles, were amiable, innocent, hospitable, and graceful. Velasquez lost no time in despoiling them of their possessions, trampling on their natural rights, and butchering those who resented his brutal domination. The Chief Hatuei, who saw his people so cruelly enslaved, struck back, and Velasquez burned him at the stake. Between the savage conceptions of immortality which Columbus declares these gentle savages to have possessed, and the new doctrines of salvation which Spanish conquerors never failed to confide to those whom they were about to roast, Hatuei must have experienced a certain confusion of ideas; but his primitive soul so revolted at the cruelty of his tormentors that he said: "If there are Spaniards in heaven, I prefer to go to hell." For about four hundred years Spain has owned Cuba, and she has governed it, with certain honorable exceptions, on the lines of oppression and exhaustion laid down by Diego Velasquez.

Slaughter and deportation for the slave markets of Spain, within fifty years so reduced the Indian population—variously estimated from 500,000 to 1,000,000—that importation of African slaves was authorized, and thereafter continued, either openly or clandestinely, until within forty years of the present date. Coarse greed underlay the enslaving of both Indians and Africans, and the oppression born of that greed, and practised on peoples whom it was safe to maltreat, became so ingrained in the class that governed Cuba, that to-day in this late year of our Lord, after the last Siboney sleeps in his grave, and Spain has been forced to abolish her African slavery, she must needs hold over her own flesh and blood in Cuba the same old iron rod of oppression. So exasperating is that rod, so cruel its strokes, that Cuba is again in the throes of a bloody insurrection.

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Hatuei in 1511 preferred hell to a heaven with Spaniards. The Cubans of 1895 had rather die the death of battle than live under Spanish rule. I propose briefly to explain how it is that a people living in Paradise, with every gift of nature to ensure human content and cherish social joy, have been stung and tormented into flinging their lives into the vortex of war, with scarcely more than a heroic courage to oppose to the fearful odds against them. Most great wrongs have their tap-roots deep in the past. To trace these roots from their origin upwards into the bitter fruitage of Cuba will require a patience which I am forced to ask of the reader.

Somewhat after the middle of the sixteenth century the administration of Cuba, previously under colonizing chiefs, was formally handed over to the military arm in the person of a Captain-General, to whom was given despotic power; and it so continued until within very recent years, when the office has been changed in title to Governor-General: but as he is always a general of the Spanish army, and commander-in-chief of all the Spanish forces in Cuba, in one or the other of his capacities he still wields the same old absolute power.

Until the first decade of the present century Cuba shared the varying fate of the other members of the Spanish empire: according to the personal characters of the sovereigns, viceroys, and captains-general, she was governed well or ill as it happened. But she was part and parcel of the commonweal of Spain, not a province singled out to be held down beneath the military heel, and plundered at will, as she now is. Early Spanish laws and ordinances had formally announced that the Indias were to be governed under the same principles as Leon and Castile. Ordenanza 14, of the Council of Philip II., and 13 of Philip IV., I translate literally as follows:

> "Because the kingdoms of Castile and of the Indias belong to one crown, the laws and mode of government of both should be the most similar and consistent that is possible. Those of our Council, in the laws and ordinances which they institute for these states, seek to accommodate their form and manner of government to the custom and order into which the kingdoms of Leon and Castile are ruled and governed, so far as the diversity and difference of countries and nations permit."

But this unity, of course, was always under the sway of the absolutism of the Spanish monarchy, and that absolutism embodied in captains-general had reduced Cuba to insolvency and bitterness so long ago as the middle of the last century. In this despair the liberal spirits of Cuba, like those of Spain, clung to a single hope,—that of escape from personal tyranny into modern constitutional freedom.

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The seeds of chartered liberty that had matured in such definite and even modern shape in the days of the mediæval Aragonian kings had never really died, but retained their power of vital germination during all the dreary decline of Spanish greatness, through the whole Hapsburg dynasty and earlier Bourbon reigns. But it was not until Napoleon overran Spain, and the last relics of national independence under the Junta Central had gathered in convention in Cadiz, that those seeds bore living fruit. There in 1812 the Spanish Constitution was formed and adopted. That instrument, drawn closely after the lines of the Constituent Assembly of France, in terms extended its jurisdiction to the "Indias," including, of course, Cuba. It embodied the broad ideas of Charles and Philip as to Spanish unity, and even went so far as to make formal declaration that "the Spanish nation is the reunion of the Spaniards of both hemispheres." Article after article prescribed the steps to be taken by the people of Ultramar (under which designation were included the Americas) to avail themselves of their new rights. Article 10 declared the whole of Spanish America, including the Antilles, to be an integral part of Spanish territory. Article 30, in providing for the basis of representation for the Ultramarine provinces, gave one deputy for each 60,000 people. Articles 37, 61, 80, and 101 prescribed the mode and conditions for the election of these Ultramar deputies. Article 107 established a "permanent deputation" of the Cortes, a sort of executive committee, to be chosen from its own members and to consist of seven persons, three from the European Spanish provinces and three from Ultramar; the seventh, and presiding officer, to be the President of the Council of the Indias. Finally, Article 232 required that of the Council of State, to be composed of forty individuals, not less than twelve should be natives of the provinces of Ultramar. Thus this Constitution stretched its arm over Cuba, and would, if honestly administered, have lifted the island into brilliant prosperity and content; but, in 1814, before the new machinery could be started, that false and brutish Bourbon, Ferdinand VII., recovered the family throne, tossed the Constitution into his waste-basket, and took a plunge back as far toward the dark ages as was possible in a world that had just witnessed the French Revolution. Cuba, with the rest, sank into the old routine of personal rule, and went on in sadness and decline under the captains-general. The subsequent story of Ferdinand's cowardice only matches that of his folly. In doing away with the Constitution he had meant to

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throw liberty with it, but sturdy Cadiz, within whose walls the Constitution had been drawn, arose in 1820 and scared the poor king into a new acceptance. But, alas! backed by a hundred thousand French bayonets and the moral support of the Holy Alliance in 1823, Ferdinand felt himself master again, and tore up the instrument which stood between free Spain and Bourbonism.

In 1836, Ferdinand having died, the Constitution was again made the living basis of Spanish government; this time accepted by Christina, then regent for her daughter Isabella. In these vicissitudes of the thrice-adopted document, Cuba had a critical interest. The hearts of her people fell and rose, as the barometer sags and surges up again when a hurricane tears across the island. After the final acceptance of the Constitution, and before the organization of the Cortes, which occurred on October 24, 1836, intrigue and agitation began over the status to be arranged for Ultramar. Tyranny and exactions had lately led to the revolts of Chili, Peru, Mexico, and the other Continental provinces; they had already successfully thrown off the yoke, and were in that strange state of liberty and chaos which is familiar to the world. Spain, always callous to the sufferings of her provinces, regarded their loss purely from the point of view of revenue. The torrent of money that since the Conquest had poured like a great golden gulf-stream across the Atlantic, bathing Spain in a climate of wealth, now shrank to a feeble flow, and she felt the chill.

Although Cuba, by refusing to follow the example of the Continental American provinces, had gained the title of "ever faithful," Spain knew well enough that her oppressions might wear out even the patience of an unqualified loyalty, and she found herself confronted with the problem of how she could forever keep for her own the revenue which in time must flow from so rich a country as Cuba. Under the liberty of her Constitution, impartially extended to Cuba, she saw a vision of growing resources and of uprising power, but towering above all stood the distinct spectre of Independence. She had political sagacity enough to know that liberty for Cuba meant power and autonomy, and autonomy the loss of that as yet far off but inevitably coming wealth. To be just and impartial involved for Spain the moral energy of a new departure and the ultimate loss of Cuba. The reign of oppression and plunder was in full force, and if let alone would go on with all the momentum already given to it by centuries of cupidity.

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The instrument of her greed in Cuba was just then General Tacon, a soldier of violence and ignorance, who came to the captain-generalcy embittered from a failure to encompass Spanish ends in South America. Tacon was a true type of the Spanish oppressor, born with a contempt for all other than force, and hardened by the omnipotence of his Spanish commission. The following royal order, addressed to a predecessor, conveys an idea of the powers of the captain-generalcy to which Tacon succeeded when he arrived in Cuba. This is not the credential of a Persian satrap under Cambyses, nor of a Roman pro-consul under Caligula, but is an ordinary commission in the nineteenth century to the Cuban captain-general, issued by his Catholic Majesty Ferdinand VII. It reads as follows:—

"His Majesty, the King, our Lord, desiring to obviate the inconveniences which might result in extraordinary cases from a division of command, and from the interference of powers and prerogatives of the respective officers; for the important end of preserving in that precious island [Cuba] his legitimate sovereign authority and public tranquillity through proper means,—has resolved, in accordance with the opinion of his Council of Ministers, to give to your Excellency the fullest authority, bestowing upon you all the powers which by the royal ordinances are granted to the governors of besieged cities. In consequence of this His Majesty gives to your Excellency the most complete and unbounded power, not only to send away from the island any persons in office, whatever be their occupation, rank, class, or condition, whose continuance therein your Excellency may deem injurious, or whose conduct, public or private, may alarm you, replacing them with persons faithful to His Majesty, and deserving of all the confidence of your Excellency; but also to suspend the execution of any order whatsoever, or any general provision made concerning any branch of the administration, as your Excellency may think most suitable to the royal service." (Royal decree, March 28, 1825.)

Under precisely similar faculties Tacon was governing in Cuba when constitutional light dawned over Spain. Like all despots, he was quick to catch the meaning of a new portent, and flung himself hotly into the struggle to prevent the extension of the new Constitution to Cuba. On the 27th of September, 1836, the barkentine "Guadalupe" brought to Santiago de Cuba news of the promulgation in Spain of the Constitution; and the Liberals under General Lorenzo, the military governor of the province, thinking the millennium had come, gathered all Santiagan authorities and proclaimed it for Cuba. Tacon instantly stamped his heel on Santiago, ordering that "in that province not the slightest change in the order of things should be made, unless preceded by his express and final order as Captain-General of the island."

When, on the 24th of October of the same year, the Cortes organ-

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ized for the first time in Madrid, it immediately appeared that a struggle was inevitable over the Antilles. In January there arrived in Madrid three deputies, elected, in spite of Tacon's order, from Santiago. They presented their credentials with a forcible memorial, but were met with silence and delay. Meanwhile enemies of Cuba within the Cortes secured in secret session the appointment of a committee which in the month of February, 1837, presented a report recommending in substance that (I translate the essential words) "the Spanish provinces of America and Asia be hereafter ruled and administered by special laws, and that their deputies are not to take seats in the present Cortes." This *Informe* became the subject of a memorable debate, which lasted from the 7th of March until April 16. There was abundant time for the full expression of opinion, for reason and consideration; the action of the body was therefore as deliberate as it was final. When the parliamentary division was taken, there were 155 deputies present; *but only two voted for the extension of the privileges of the Constitution to Ultramar*. Reports of this debate show that the two reasons which determined the action of the Cortes were a resolution to wring revenue out of Cuba and to guard against her achieving independence. This action of the Cortes found official expression two days later in the promulgation of the following law, which I translate:—

"The Cortes, using the power which is conceded to them by the Constitution, have decreed: not being in position to apply the Constitution which has been adopted for the Peninsula and adjacent island to the Ultramarine provinces of America and Asia, these shall be ruled and administered by special laws appropriate to their respective situations and circumstances, and proper to cause their happiness; consequently, the deputies for the designated provinces are not to take their seats in the present Cortes."

Thus Spain disinherited Cuba and withheld her birthright. Thus she crushed her noblest hopes, and broke the heart of her fairest province. This was the moment when Cuban loyalty turned into hate.

While this act of disinheritance turned the great body of liberal-minded Cubans forever against Spain, there has always remained a conservative party of natives who realized that genuine reforms of policy and administration might secure the condition of "happiness," to which the law of 1837 ironically alluded, without severing the link with the mother country. The hope and aim of this deluded group has been to secure representation in the Cortes, where, although in powerless minority, they might carry on a campaign of education which should finally persuade Spain to see the mutual advantage of a qual-

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ified autonomy. Madrid remained deaf to forty years of this sort of pleading. However, in 1878, Martinez Campos negotiated a peace with the unconquered and apparently unconquerable Cuban insurgents who had fought heroically for ten years, which peace was paid for in promises.

Slavery had been practically killed by the war; Campos only bound Spain to publish the death notice. The main concession for which the insurgents accepted peace was the promise of constitutional reform. As a matter of fact, there promptly followed four royal decrees as follows: June 9, entitling Cuba to elect deputies to the Cortes, one for each 40,000 people; June 9, dividing the island into the present six provinces; June 21, instituting a system of provincial and municipal government, followed on August 16 by the necessary electoral regulations. But the system was immediately seen to be the shadow without the substance of self-government. The Provincial Assembly could nominate only three candidates for presiding officer. It was the inevitable governor-general who had the power to appoint, not necessarily one of the three nominees, but any member of the Assembly he chose. But all this provincial machinery is in reality an empty form, since expressly by law the governor-general was given the power to prorogue the assemblies at will. The deputies have never been able to accomplish anything in the Cortes. Moreover, the crux of the whole financial oppression—the tariff, taxes, and absolute control and expenditure of the revenue—remained with Spain. Her cynical apathy was momentarily jarred by the ten years' war, and under fear she yielded so far as to grant reforms which reformed nothing, privileges which carried no benefit, nominal changes which in no essential particular disturbed the absolutely despotic power of the Spanish pro-consul. A century of hope and of struggle ended without progress. Cubans are under no illusions; they know that they are exactly where they have been from the beginning,—under the heel of military force,—

"Plus ça change plus c'est la même chose!"

The result, from an economical point of view, has been the continued enforcement of a financial system frankly contrived to enrich Spain at the expense of Cuba, but practically extinguishing the healthy industrial progress of the island. That system comprises: 1. A tariff, which by differential duties forces Cuba to buy to Spanish advantage and her own disadvantage, and sell (with an export

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duty for Spain's benefit) where she can. 2. A scheme of internal taxation laid in crushing weight on every phase of industrial life. 3. A complete system of control and espionage over the details of business, with countless fees and explanations. The body of officers who execute this universal system of great and petty interference are too generally blackmailers who adroitly temper their exactions to the little wool left on the oft-shorn lamb. 4. The distribution and expenditure of practically the total collected revenues remains with Spain.

The general result of this policy, besides embittering the Cubans, has been to strain and drain every industry, and by idiotic administrative meddling to discourage new projects and embarrass old ones.

With the exception of a few modern sugar estates, largely of foreign ownership, and some almost comic railways, Cuban industry is back in the period of the Roman empire. The island has long ceased to pay a legal, above-board profit to Spain, but yearly piles up a mountain of deficit. To merchants in Spain, from whom Cuba is by the tariff forced to buy, there is profit; to the Spanish tradesman in Cuba there is fortune; to the army of blackmailers there is wealth. All profit and all advantage go to Spain. Cuba only suffers and grows poor. She has, moreover, the bitterness of seeing that the host of almost hostile Spaniards in the island, both official and commercial, are there only to despoil her. She sees her revenues imposed and spent by Spain, and the private gains of the army of aliens carried off when greed is glutted.

Nowhere within the limits of western civilization is there a more favorable spot for the swift, almost boundless, development of vast popular wealth. Rich beyond description, beautiful as Eden, Cuba, with only a tenth of its area occupied, and its resources as yet hardly touched, lies bankrupt under the coarse heel of a despot too blind to see even his own advantage.

Half a century ago, by a liberal fiscal policy and decently good administration, even denying constitutional rights and by means of her "special laws," Spain with supreme ease could have placed Cuba in opulence and turned the old golden gulf-stream again toward her shores. But with that towering vanity which has replaced her just national pride, she scoffed at the appeals of Cuba, and went on in that career of conceited folly which has reduced her from the loftiest position in modern European history to the pitiable insignificance of to-day, and left for Cuba only ruin and rage. It is now too late. Spain can never win back the heart of Cuba. She can never

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again make a lasting peace. It is war till Cubans are free or dead. Flung from the continent of America for her intolerable oppression, Spain lags in this hemisphere as the mere embodiment of tyrannical greed. From a historic distance there is a kind of picturesque Roman grandeur in her armed and bannered conquerors, trampling down barbarians and putting them to the sword and cross; but no haze of time or distance will ever soften the miserable spectacle of her last days in Cuba, oppressing and blackmailing her fairest daughter.

The dilemma forced upon Spain in 1836 was this: on the one hand constitutional liberty for Cuba, with a future of greatness and prosperity, but with inevitable final independence; on the other, a continuance of the old military and financial despotism which had always meant sacrificing real industrial progress for to-day's plunder, and a future of insurrections with probable independence at the end. Although Spain apparently never saw it, both roads lead to independence. We have seen how she chose the latter course, and its logical result of bankruptcy and rebellion. Prior to the present insurrection four others have occurred in this century. The conspiracy of the Black Eagle in 1829, the Lopez conspiracy in 1848–51, the Pinto conspiracy in 1855, and the bitter ten years' war, 1868–78.

Having seen how her financial short-sightedness has brought about ruin, it is worth while to advert now to the manner in which Spain, in maintaining her military government, has treated the persons and personal rights of Cubans. For example: the alleged slave conspiracy of 1844 was met by the immediate placing of a court-martial at Matanzas, the scene of the trouble. No incriminating evidence was obtainable under ordinary examination, so the court went back to the fine old methods of the Inquisition, and followed the example of Torquemada. Slaves, colored freedmen, and whites, were stretched face down on ladders, and their naked backs lashed till they satisfied their torturers. As a result 1,846 people were sentenced, some to death, others to banishment, others to hard labor for various periods. Any Cuban patriot may find himself under a tacit ban. Let us suppose that he is a suspected person: he is watched, and if suspicion rises to a sufficient degree of certainty he is arrested; and now comes one of the neatest and most effective methods of disposing of a suspect among the extraordinary wealth of expedients known to Spanish military law. Evidence being slight, the prisoner may be ordered removed under guard to some other place of safe-keeping, and is liable to be shot by his soldier guard if he attempts to escape. So com-

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mon has this been that a wink of his superior to the guard is as good as a nod. When the prisoner stumbles, or sneezes, or looks out of one eye,—he is killed, and a report is rendered, "Shot while attempting to escape."

In the 1868–78 war, the insurgents were never accorded belligerent rights by any power strong enough to take Spain by the throat and force her to conduct operations under the reasonable humanities of modern war. The peculiar form of Cuba renders the control of every port easy to the Spanish navy; and although battles were won and campaigns steadily conducted for ten years by the insurgents, the United States government chose to close its eyes to the truth. The real facts were, not that a state of war was not fully demonstrated, but the Alabama claims were in the air, and we were ready first to turn our backs on Cuba in order not to prejudice our money case against England, and after the payment of the award, the precedent was still too fresh. The South American republics which recognized Cuban belligerency were powerless, and Europe remained indifferent. Thus Spain, left unrestrained by foreign powers, worked her will with a cynical frankness that laid bare her full savagery. The war having begun, General Count Valmaseda published the following proclamation:

"Inhabitants of the country! The reinforcements of troops that I have been waiting for have arrived; with them I shall give protection to the good, and punish promptly those that still remain in rebellion against the government of the metropolis.

"You know that I have pardoned those who have fought us with arms; that your wives, mothers, and sisters have found in me the unexpected protection that you have refused them. You know, also, that many of those we have pardoned have turned against us again.

"Before such ingratitude, such villany, it is not possible for me to be the man that I have been; there is no longer a place for a falsified neutrality; *he that is not for me is against me;* and that my soldiers may know how to distinguish, you hear the order they carry:

"1st. Every man, from the age of fifteen years upward, found away from his habitation, (finca) and who does not prove a justified motive therefor, will be shot.

"2d. Every habitation unoccupied will be burned by the troops.

"3d. Every habitation from which does not float a white flag, as a signal that its occupants desire peace, will be reduced to ashes.

"Women that are not living at their own homes, or at the houses of their relatives, will collect in the town of Jiguani, or Bayamo, where maintenance will be provided. Those who do not present themselves will be conducted forcibly.

"The foregoing determinations will commence to take effect on the 14th of the present month.

EL CONDE DE VALMASEDA."

Bayamo, April 4, 1869.

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Spanish tyrants are always deeply Christian, so that it can hardly be supposed that Valmaseda, in using solemn words of the Saviour, did so unconscious that the source of his phrase is the source of divine compassion to men.

A month later, Mr. Fish, then Secretary of State, correctly branded this proclamation as "infamous," and wrote in a letter to Señor Lopez Roberts (Spanish minister to the United States):

"In the interest of Christian civilization and common humanity, I hope that this document is a forgery. If it indeed be genuine, the President instructs me in the most forcible manner to protest against such mode of warfare."

We have not forgotten the wanton butchery of Americans in the "Virginius" affair. It remains of value as a proved example without which we should be slow to believe that Spanish generals habitually shot insurgents captured in battle, as in fact they did. A published record of the Spanish barbarities of the war gives in detail a list of 2,927 "Martyrs to Liberty,"—political prisoners executed during the war,—and of 4,672 captured insurgents whose fate has never been made known. There were 13,000 confiscations of estates, 1,000 being those of ladies whose only crime was the love of Cuban liberty.

The experience of American newspaper correspondents, like O'Kelly, in rebel camps and Spanish prisons, confirms the revolting character of the Spanish conduct of the war; and there are extant letters of Spanish officers which throw gleams of light into the darkness of the period. A specimen or two are enough.

Jesus Rivocoba, under date of September 4, 1869, writes:

"We captured seventeen, thirteen of whom were shot outright; on dying they shouted, 'Hurrah for Free Cuba, hurrah for Independence.' A mulatto said, 'Hurrah for Cespedes.' On the following day we killed a Cuban officer and another man. Among the thirteen that we shot the first day were found three sons and their father; the father witnessed the execution of his sons without even changing color, and when his turn came he said he died for the independence of his country. On coming back we brought along with us three carts filled with women and children, the families of those we had shot; and they asked us to shoot them, because they would rather die than live among Spaniards."

Pedro Fardon, another officer, who entered perfectly into the spirit of the service he honored, writes on September 22, 1869:

"Not a single Cuban will remain in this island, because we shoot all those we find in the fields, on the farms, and in every hovel."

And again, on the same day, the same officer sends the following good news to his old father:

"We do not leave a creature alive where we pass, be it man or animal. If

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we find cows, we kill them; if horses, ditto; if hogs, ditto; men, women, or children, ditto; as to the houses, we burn them: so every one receives his due,— the men in balls, the animals in bayonet-thrusts. The island will remain a desert."

Valmaseda himself paid a visit to the plantation home of the Mora family, and, there being no male patriots on whom to wreak his lust for blood, butchered and burned the sisters Mora and left their home in ashes. A mere enumeration of authentic cases of Spanish inhumanity in the last insurrection would fill volumes and exhibit one of the blackest episodes of history.

There is reason to hope that Campos will make war as a civilized soldier. In his termination of the last insurrection he showed a comprehension of modern methods, and there are symptoms that he is conscious of the general barbarism of Spain's Cuban policy. It is not clear that he was not sincere in his programme of reform which induced the peace of 1878. For the despicable falseness of Spain as to her promised reforms, perhaps Campos was in no way responsible.

In Spanish character survives a continuous trait of the pagan cruelty of Rome, reinforced and raised to fiendish intensity by the teachings of the Inquisition. Had the United States, by one stroke of her pen, recognized Cuban belligerency, as was her moral duty, all the Caligula-Torquemada atrocities would have been stopped, and the war for freedom gone on to victory unstained by the blood of women and children. President Grant lost this noblest opportunity of his civil career by miserable anxiety about the Alabama claims.

Cubans are under no delusion as to the fateful step they have taken; the men who survived the scourge of the ten-years' war, in rushing to arms again, act in full consciousness of what they are doing, and willingly face the cruel odds. If this were a first effort to acquire freedom it might be attributed to the over-confident enthusiasm of a brave people inexperienced in war and its train of suffering and grief, and ignorant of the combination of money, material, and men their enemy can hurl against her. But these are the very people who half a generation ago fought ten years, and felt the shock of 200,000 Spanish soldiers, and suffered as no modern combatants have done. They enter this war as bravely as before, but with eyes open and with memory loaded down with visions of agony and blood. Of that adoration of liberty which is the only sure foundation of modern representative government, this insurrection is as pure and lofty an example as the course of human history can show.

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That all the material advantages of war are against them can easily be seen. In the first place, Cuba is a long, narrow island about seven hundred miles in east-and-west extent, by a north-and-south breadth of twenty-one to one hundred and twenty miles. It possesses a truly remarkable series of great and small harbors: the more important ones roomy and landlocked, like those of Havana, Cienfuegos, Santiago, and others of the type; and the small, but often admirable ones strung at short intervals along the whole 2,000 miles of sea-coast. The greater harbors are fortified. Spain has a respectable navy, and has in fact occupied all the chief and several of the small harbors with fifteen vessels of war. She has besides a fleet of light-draught gunboats, partly in use, and partly under contract on the Clyde, and soon to be available for cruising perpetually along the short intervals of shore between the various harbors which are occupied by larger war-vessels. In her centuries of neglect of useful public works in Cuba she has built practically no wagon-roads, so that if the insurgents possessed artillery, which they cannot obtain, they could not, save by an almost superhuman effort, move it to concentration for the capture of one of the ports. Spain, on the other hand, holds the few rudimentary roads within the theatre of war, and whatever use of field guns is possible is therefore for Spain alone. Not only is every important harbor under effective blockade against insurgent people and freight, but it is a secure base of supplies. Practically seventy miles would be a maximum distance for any considerable operation from a safely maintained—even an unthreatened—base, and the average cannot be above fifty miles. Spain therefore begins her campaign to quell the Cubans with a cordon of impregnable bases, to which at all times she has unrestricted access by a sea on which not a single Cuban flag floats, except on some hovering unarmed sea-tug or timid blockade-runner which avoids the ports and creeps in under cover of darkness to bring a handful of patriots or some boxes of arms. By means of this complete chain of fortified and occupied harbors, Spain can pour in the whole resources of the nation in men, supplies, and munitions, without a moment's interruption or a shadow of danger. These resources are a peninsula population of 17,000,000 to draw from, and a standing army which on a peace basis carries 115,735 men, and reaches in nominal war resource something more than 1,000,000. Financial advantage is also wholly with Spain. Although bent under a debt of over a thousand millions of dollars, and her fiscal affairs in such wretched condition

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that there has been no parliamentary indorsement of expenditures since 1865–67, and the Tribunal of Accounts has not dared to publish the national books since 1869,—nevertheless Spain is a nation still possessing the shattered remnants of a public credit. She can vote bonds, and there is even yet a price at which they can be sold. Her soldiery face death with courage in spite of Napier's epigram that "Spaniards are brave behind walls, cowards in the field, and robbers always,"—their conduct in action in Cuba disproving the middle term of an otherwise correct characterization.

The Spanish "Military Gazette" gives the figures of the national forces in Cuba as follows: 60,000 regulars, the chief part of which are infantry, but including cavalry, 2,596; artillery, 621; engineers 415; public-order officers, 676; civil guards, 4,400; marines, 2,700; guerrillas, 1,152; the whole under one Captain-General, seven division generals, one auditor, one military intendant, one sanitary inspector, and the usual complement of staff and line officers. Besides this there are about 40,000 Cuban militia recruited from the loyal classes and used chiefly for garrison purposes. There are fifteen warships, and nineteen vessels in purchase.

All Cuba has a population of about 1,600,000, of which more than half are in garrison cities and regions so overawed by the power of Spain that they cannot successfully rise until the national forces are shattered in the field. Of the portion in revolt (about two-thirds of the area and one-third of the population) it is probable that of the total number of a sex, age, and physical condition to bear arms, the figure would not exceed the actual peace force of the Spanish army, to say nothing of the 17,000,000 which the enemy have to draw upon.

Impoverished by centuries of financial oppression, the Cuban patriots are poor, their slender resources are the sum of innumerable small contributions. Few in number, empty of purse, they stand within this tight-drawn ring of Spanish fire. Cut off from any but dangerous and clandestine introduction of arms and medicines; lacking supplies to form a base; with not a cent to pay a single soldier or officer of their little army; with only a skeleton medical corps,—in short almost nothing to make war with,—these brave souls are facing, not death only, but Spanish death. The region under revolution is one great graveyard of those fallen in the ten-years' revolt, yet Cubans are undaunted by the numbers or resources of their foe. Beside this far-reaching patience of valor a single act of heroism like

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Thermopylæ is pastime; compared with the raggedness, hunger, and privation which Cubans bravely choose to accept, Valley Forge was a garden party. For ten years these same men with the same slender resources held the arms and pride of Spain at bay, and then capitulated to promises which were made only to be broken.

Of Spain the insurgents have no fear; but if the United States rigorously prevents the shipment of arms and munitions from our shore, we can discourage, we can delay the triumph of patriotism, but in the end we cannot prevent it. In this war, or the next, or the next, Cuba will be free. Although these men are our near neighbors, although we are to them the chosen people who have won independence and grown great in freedom, yet they have never made the slightest appeal to us for active aid in their struggle. They expect no good-Samaritan offices. They look for no gallant American Lafayette to draw sword for them and share the penury and hardships of their camps. They ask nothing. But I happen to know that they are at a loss to comprehend how a great people to whom Heaven has granted the victorious liberty for which they are fighting and dying, should let months pass in cold, half silence, without one ringing "God speed!" to cheer them on into battle.

It is doubtless explicable enough that a people whose own business is so essentially materialistic as ours, and who mind it so absorbedly, should remain carelessly ignorant of the real Cuban question and the moral attitude of the island people; but is it fair, is it generous, is it worthy of the real blood of freedom that still flows from the big American heart? Already a change is coming, and isolated expressions of genuine sympathy are becoming frequent. The time will come, and that not long hence, when the voice of America will ring out clear and true.

The Cuban war hangs before us an issue which we cannot evade. Either we must stand as the friend of Spain, and, by our thorough prevention of the shipment of war supplies to the insurgents, aid and countenance the Spanish efforts to conquer Cuba into continued sorrow, or we must befriend Cuba in her heroic battle to throw off a mediæval yoke. Let us not deceive ourselves! Spain alone cannot conquer Cuba; she proved that in ten years of miserable failure. If we prevent the sending of munitions to Cuba, and continue to allow Spain to buy ships and arms and ammunition here, it is we who will conquer Cuba, not Spain. It is we who will crush liberty!

To secure victory for Cuba it is necessary for us, in my opinion,

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to take but a single step; that is, to recognize her belligerency; she will do all the rest. That step the government will doubtless hesitate to take at the present state of the struggle, because as yet the insurgents have neither instituted a government nor established a capital. In the last insurrection they did both, besides maintaining a state of war for ten years. That a state of war exists to-day is virtually admitted by the proclamation of Governor-General Campos, who in addition to the army under his command, consisting of about 60,000 regulars and 40,000 militia, calls for heavy reinforcements, and the Spanish war office has been obliged to order out the first class of reserves. Moreover, a commander-in-chief routed in battle and fleeing, his "rear-guard fighting bravely all the way into Bayamo," to use his own words, connotes nothing less than war.

When the Cuban government is set up, as it soon will be, we shall have equally as good international authority and precedent to recognize a state of war in the island as Spain did for our own Confederate insurgents forty days after the shot on Fort Sumter. We can return to her, in the interests of liberty, the compliment she then paid us in behalf of slavery. The justice will be poetic. With all possible decorum, with a politeness above criticism, with a firmness wholly irresistible, we should assist Spain out of Cuba and out of the hemisphere as effectually as Lincoln and Seward did the French invaders of Mexico in the 'sixties. Moreover, according to American precedent, neither a state of hostilities nor the setting up of a civil or military organization is positively necessary to entitle a people to belligerent rights; for before either of these conditions were established in 1838, we went so far as to issue a proclamation for "prevention of unlawful interference in the civil war in Canada."

Our record toward Spain is clear. We heartily approved when George Canning invoked the Holy Alliance to prevent her from recovering her American provinces, and in 1825 we refused to guarantee her perpetual possession of Cuba in exchange for commercial concessions to ourselves. Our obligations to her are measured by an easily terminable treaty, which, however, while in force, in no way prevents us from recognizing Cuba's belligerency. Is it difficult for us to decide between free Cuba and tyrant Spain? Why not fling overboard Spain and give Cuba the aid which she needs, and which our treaty with Spain cannot prevent? Which cause is morally right?—which is manly?—which is American?

CLARENCE KING.

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GEORGE ELIOT'S PLACE IN LITERATURE.[1]

It will be the duty of the more serious criticism of another generation in some degree to revive the reputation of George Eliot as an abiding literary force—a reputation which the taste of the hour, in view of her most undeniable failures, is rather disposed to reduce. Five and twenty years ago the tendency was toward excessive praise: many fine judges, of trained literary insight, proclaimed her as the greatest genius of the age, one of the brightest stars of English literature, nay, said some of them, quite losing control of their speech—a modern Shakespeare, and so forth. Some cooler heads looked grave, but none save the inveterate cynics ventured to mock; and the great public, as usual, thought it best to follow the lead of so many men and so many women of the higher culture. The inevitable reaction ensued: when, not only were the grave shortcomings of George Eliot ruthlessly displayed, but her noble aim and superb qualities were heedlessly ignored.

The taste in popular romance sways hither and thither in violent contrasts, like the taste in hats or in frocks, or the verdict of manhood suffrage. This or that type of skill becomes suddenly the rage, this or that mannerism is voted an offence, as easily as fashion runs after a new tint, or boycotts an obsolete sleeve. Journalism and all the other forces of the hour stimulate and express these caprices and carry away the masses by their volubility and noise. It is the business of serious criticism, keeping a cooler head, to correct these fervid impulses of the day—whilst excited audiences in the amphitheatre raise or depress the fatal thumb, awarding life or death to the combatants in the great arena. The business of criticism is to *judge* —to judge upon the whole evidence, after hearing counsel on both sides with equal attention, after weighing every shred of argument and every word that any witness has to offer, and, after patient weighing of every aspect of the case, to deliver a complete and reasoned estimate of the whole matter at issue. The true critic is not a juryman, who has nothing to do but to say—"guilty," or "not

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guilty." He is a judge of the supreme court of equity, who may find, in some intricate story unravelled at his bar, a dozen errors in law and as many mistakes of fact, and yet may give substantial relief or may decree onerous penalties. It is easy enough to detect faults, easy enough to insist on merits: the thing wanted to guide the public is the cool, compensated, equitable judgment that is not seduced by any conspicuous charm, and is not irritated by any incorrigible defect, but which, missing no point of merit and none of failure, finally and resolutely strikes the just balance. This just balance, with all its intricate adjustments of compensation and equivalence, is peculiarly needed in the case of George Eliot, and at the same time is unusually difficult. George Eliot was most conspicuous as an artist, as a worker in the sphere of imagination and creation. At the same time she had very rare powers and a really unusual learning quite outside of imaginative art. And these reflective powers and such stores of knowledge are often antagonistic to creative art, and undoubtedly were so not seldom with her. If Aristotle himself had written a dull psychological tragedy, we might read it for his sake, but we should not forgive him, and we ought not to forgive him. And if Shakespeare himself had written the "Novum Organum" or the "Principia," we should not have had "Hamlet" and "Lear," as we now know them. There is no compensation between philosophy and poetry. No profundity, no learning, can give beauty to verses which lack the divine fire. If George Eliot's fame had to be based solely on her great powers and endowments, her art would not be worth much. However, it is not so: she was an artist, with true artistic gifts. Her philosophic power and her scientific attainments often ennoble these gifts: yet it is too often evident that they seriously mar and embarrass them.

Turn it the other way. Until nearly the age of forty, George Eliot was known only as a critical and philosophical writer. And in reading, in logical acumen, and in breadth of view, she was the equal of the first minds of her time. But no one of her contemporaries, eminent in philosophy and science, approached her, however remotely, in artistic gifts; and no one of them even attempted to invest ethical and social ideas with high imagination and beautiful creations. Thus, George Eliot was of a far higher mental plane than any contemporary who has used imaginative prose as an art, and she was also a far greater artist than any contemporary philosopher. It is quite certain that learning and wisdom may be lodged in the same

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brain with the highest poetry, as Lucretius, Virgil, Dante, Milton, and Goethe may prove. And brains of original power have not seldom used imaginative art with signal success to convey the ideas with which they were charged; for this has been done by Cervantes, Rabelais, Swift, Rousseau, Byron, Shelley, Goethe, Carlyle, and Victor Hugo.

It is therefore perfectly legitimate and quite natural that a powerful and teeming mind should resort to art as its medium, and also that an artist of high aims should be a systematic thinker and an omnivorous student. The combination is very rare and success is singularly difficult. To fail in art is to lose all and to end in utter failure. And to carry ethical purpose and erudition into art is indeed a perilous undertaking, wherein but one or two of the greatest have wholly succeeded. The problem with George Eliot is to judge how far she has succeeded in the all but impossible task. That her success is far from complete is but too obvious. That she has had many incidental successes is also obvious. Her work is not sufficiently spontaneous, not free, not buoyant enough. But it has great nobility, rare distinction. It will not live as perfect art; but it will not perish as an ambitious failure. If George Eliot were not a writer of romance, she was nothing at all in the front ranks of Victorian literature. With all her powers of mind, her mastery of language, her immense stores of knowledge and supreme culture, she gave to the world nothing of great mark, acknowledged and known as hers, except her famous romances; for, as we shall presently see, we cannot count any of the poems as of great mark. But as a writer of romance, George Eliot differs essentially from all the other writers of romance in her own or preceding generations. Most certainly she was not a born romancer; she had no spontaneous gift of telling stories, no irrepressible genius that way. Now all the great romancers have been born to it, as Robinson Crusoe was born to the sea, or as Turner was born to paint. Though Scott published novels late, he had begun "Waverley" at thirty-four; his earlier works are ballads and metrical romances; and from boyhood, at home and abroad, he was never without his tale of adventure and character. Jane Austen and Maria Edgeworth "lisped" in novelettes, as Pope said he "lisped in numbers." Though Charlotte Brontë published so little, she wrote stories incessantly from childhood. Lytton, Dickens, Thackeray, Trollope, invented tales as part of their daily lives, and from the earliest age. George Eliot was thirty-nine when her first

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tales were published, and she was forty before she was known to the public as a novelist at all. And so little was novel-writing her natural gift, that her most intimate friends never suspected her power, nor did she herself altogether enjoy the exercise of her art. To the last, her periods of mental gestation were long, painful, and unhopeful. Parturition was a dangerous crisis, and the long-expected infant was reared with misgivings and a superfluity of coddling. The romances of George Eliot came like some *enfant de miracle*, born late in the mother's life, at the cost of infinite pain, much anxiety, and amidst the wondering trepidation of expectant circles of friends.

We never quite get over the sense of almost painful elaboration, of a powerful mind having rich gifts striving to produce some rare music with an unfamiliar and uncongenial instrument. It reminds us of Beethoven evolving his majestic sonatas on an untuned and dilapidated old piano, the defects of which he could not himself hear. The conventional critic in the "Vicar of Wakefield" is told to say that "the picture would have been better if the artist had taken more pains." With George Eliot we too often are made to feel that the picture would have been, at any rate, more enjoyable, if the artist had taken less pains. To study her more ambitious tales is like an attempt to master some new system of psychology. The metaphysical power, the originality of conception, the long brooding over anomalies and objections—these are all there: but the rapid improvisation and easy intention are not there. Such qualities would indeed be wholly out of place in philosophy: but they are the essence of romance. In romance we want to feel that the piece is only brought to an end by time and our human powers of listening; that there is "plenty more where these came from"; that the story-teller enjoys telling stories for their own sake, and would go on with the tales, though the audience were reduced to a child, an idiot, and a deaf man.

This explains the paradox that the most popular and certainly the most praised of George Eliot's works are the simpler and the shorter. Every one enjoys the "Scenes of Clerical Life,"—short stories of a hundred pages each, with simple plots and a few characters in every-day life. I have no doubt myself that "Silas Marner" comes nearer to being a great success than any of the more elaborate books. Yet "Silas Marner" is about one-fifth part of the length of "Middlemarch"; and its plot, *mise-en-scène*, and incidents are simplicity

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itself. There is no science, no book-learning, and but few ethical problems in it from beginning to end; and it all goes in one small volume, for the tale concerns but the neighbours of one quiet village. Yet the quaint idyllic charm of the piece, the perfection of tone and keeping, the harmony of the landscape, the pure, deep humanity of it all, make it a true and exquisite work of high art.

Modern English (and I am one of those who hold that the best modern English is as good as any in our literature) has few pieces of description more gem-like in its crystalline facets than the opening chapter that tells of the pale uncanny weaver of Raveloe in his stone cottage by the deserted pit. Some of us can remember such house-weavers in such lonesome cottages on the Northern moors, and have heard the unfamiliar rattle of the loom in a half-ruinous homestead. How perfect is that vignette of Raveloe—"a village where many of the old echoes lingered, undrowned by new voices"—with its "strange lingering echoes of the old demon-worship among the gray-haired peasantry"! The entire picture of the village and its village life a hundred years ago is finished with the musical and reserved note of poetry, such as we are taught to love in Wordsworth and Tennyson. And for quiet humour modern literature has few happier scenes than the fireside at the Rainbow, with Macey and Winthrop, the butcher and the farrier, over their pipes and their hot potations and the quarrel about seeing ghos'es, about smelling them! Within this most graceful and refined picture of rural life there is a dominant ethical motive which she herself describes as its aim "to set in a strong light the remedial influences of pure, natural, human relations." This aim is perfectly worked out; it is a right and healthy conception, not too subtle, not too common—to put it in simpler words than hers, it is how a lonely ill-used old man is purified by the love of a faithful and affectionate child. The form is poetic; the moral is both just and noble; the characters are living, and the story is original, natural, and dramatic. The only thing, indeed, which "Silas Marner" wants to make it a really great romance is more ease, more rapidity, more "go." The melody runs so uniformly in minor keys, the sense of care, and meditation, and introspection is so apparent in every line, the amount of serious thought lavished by the writer and required of the reader is so continuous, that we are not carried away, we are not excited, inspired, and thrilled as we are by "Jane Eyre" or "Esmond." We enjoy a beautiful book with a fine moral, set in exquisite prose, with consummate literary resources,

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full of fine thoughts, true, ennobling thoughts, and with no weak side at all, unless it be the sense of being over-wrought, like a picture which has been stippled over in every surface. A clever French woman said of George Eliot's conversation—"*Elle s'écoute quand elle parle!*" Just so, as we read on, we seem to see how she held up each sentence into the light, as it fell from her pen, scrutinized it to see if some rarer phrase might not be compacted, some subtler thought excogitated. Of all the more important tales, "Silas Marner" is that wherein we least feel this excessive thoughtfulness. And thus it is the best. Perhaps other born romancers would have thrown into it more life, energy, jollity, or passion. Thackeray would have made the weaver rather ridiculous; Dickens would have made Eppie a sentimental angel; Charlotte Brontë would have curdled our blood; Trollope might have made more of Nancy's courting. But no one of them could have given us a more lofty lesson "of the remedial influences of pure, natural, human relations." The only doubt is whether a novel is the medium for such lessons. On this, opinions are, and will remain, divided.

When we ask for a romance fully developed and not a graceful vignette, "Adam Bede" must be regarded as the principal, and with the wider public it is the typical, work of George Eliot. She said herself that it seemed to her "impossible that she should ever write anything so good and true again";—and herein she was no doubt right. It is the only one of her works in prose or verse which we feel to be inevitable, spontaneous, written out of the abundance of enjoyment and experience. It is of all her books the heartiest, the wittiest, the most cheerful, or rather the least desponding. In that book, perhaps, she exhausted herself and her own resources of observation as an eye-witness. She wrote fine things in other veins, in different scenes, and she conceived other characters and new situations. But, for all practical purposes, "Adam Bede" was the typical romance that everything she had thought or known impelled her to write, and in which she told the best of what she had seen and the most important of what she had to say. Had she never written anything but "Adam Bede," she would have had a special place of her own in English romance:—and I am not sure that anything else which she produced very materially raised, enlarged, or qualified that place.

"The Mill on the Floss" must always be very interesting to all who knew George Eliot and loved her work, if for no other reason,

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for its autobiographic and personal touches and its revelation of yearnings and misgivings hardly suspected in life. There are scenes and minor characters in it which hold their own against "Adam Bede," but as a whole it is not so strong or so rich in colour, and it can hardly be said to occupy new ground. It has not the pathos of "Amos Barton," nor the exquisite style of "Silas Marner," nor the breadth and constructive merit of "Adam Bede." And, except to the chosen band of Eliotists, it is not likely to retain any permanent popularity. It is a book to study for those who have special interest in George Eliot as woman, as teacher, and as artist—but for my own part I find it rather a book to reflect upon, than a book to read and to re-read.

With respect to "Romola," though we must all agree with Mr. Oscar Browning that it is "replete with learning," "weighted with knowledge in every page," exquisite in art, and so forth, it is really impossible to call it with him "the best historical novel ever written." Even in exact reproduction of another age, it cannot compare with "Esmond," and how immeasurably as romance is it beneath the fire and movement of a dozen historical romances that one could name! The beauty of the Florentine pictures, the enormous care, thought, and reading lavished on the story, the variety of literary resource—all make it a most memorable work, a work almost *sui generis*, a book which every student of Italy, every lover of Florence must mark, learn, and inwardly digest. But to call it a complete success is to go too far. The task was too great. To frame in a complex background of historical erudition an ethical problem of even greater complexity and subtlety—this was a task which might have sorely tried even greater powers than hers—a task in which Goethe and Scott might have succeeded, but which Goethe and Scott were too truly the born artists to attempt. "Romola" is certainly a wonderful monument of literary accomplishments; but it remains a *tour de force*, too elaborate, too laboured, too intricate, too erudite. As the French say, it has *trop de choses*, it is too long, too full, overcostumed, too gorgeously mounted on the stage. We sometimes see nowadays "a Shakespearian revival," with scenery studied by eminent artists on the spot, costumes archæologically accurate, real armour, "properties" from famous collections, a *mise-en-scène* of lavish splendour and indefatigable research—and then we ask what has become of Hamlet or Lear, and why is Romeo such a melancholy devil? Few men enjoyed the earlier portions of "Romola" more than I did.

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Italianissimo and *Florentissimo* as I was, it was an intense treat. But, though I have read and re-read "Romola" from time to time, it has always been in sections. I have never read it straight through at one time; and to this hour, I am not quite clear about all the ramifications of the plot and the various cross-purposes of the persons. Could any one say this about "Quentin Durward" or "Ivanhoe," or of the "Last Days of Pompeii," or of "Esmond," or even of "Hypatia"? "Romola," we know, tried its author most cruelly in composition, nor need we wonder at this. "I began it," she said, "a young woman—I finished it an old woman." "It ploughed into her," said her husband, "more than any of her other books." And, in my opinion, it marks the decline of her genius. I cannot count any of the later books as equal to the earlier books. Her truly great period of production reaches at most over the six years 1858–1863 (*ætat.* 39–45) in which she produced "Scenes of Clerical Life" (1858), "Adam Bede" (1859), "The Mill on the Floss" (1860), "Silas Marner" (1861), and "Romola" (1863). If I were to measure by true success in the higher art, this period should not be extended beyond the four years which closed with "Silas Marner." "Romola" is a most ambitious, very beautiful, altogether noble failure. And I cannot count any of the later pieces, prose or verse, as anything but far inferior to "Romola." They have great beauties, fine passages, subtle characters, and high conceptions—but they are the artificial products of a brain that showed symptoms of exhaustion, of a great writer who was striving after impossible tasks without freedom and without enjoyment.

I cannot at all agree with those admirers of George Eliot's genius who believe that it grew continuously in power, who even assure us that it reached its zenith in "Daniel Deronda." What can they mean? "Daniel Deronda," as usual, shows brilliant literary skill in many passages, and its insight into modern Hebraism is a psychological problem, only explicable on the theory that George Henry Lewes himself was a kind of unconscious, unrecognized, Gentile Jew in spirit. But with all its merits, and even beauties, "Daniel Deronda" has the fatal defect of unpleasant characters who are neither beautiful nor interesting, terrible situations which bore rather than terrify us, and a plot which is at once preposterous and wearisome. As to "Middlemarch"—George Eliot's longest, most crowded, and ethically most elaborated romance—with all its subtlety, its humour, its variety, and its sardonic insight into provincial Philistinism, it becomes at

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last tedious and disagreeable by reason of the interminable maunderings of tedious men and women, and the slow and reiterated dissection of disagreeable anatomies. At this moment I cannot after twenty years recall the indefinite, lingering plot, or the precise relations to each other of the rather uninteresting families, who talk scandal and fuss about in Middlemarch town.

In "Felix Holt" I was naturally much interested, having read it in manuscript, and advised upon the point of law, as appears from her published letters in the "Life" by J. Cross. There are two or three lines—the lawyer's "opinion on the case"—which she asked me to sketch; and I remember telling her, when she inserted these lines in the book, that I should always be able to say that I had written at least a sentence which was embodied in English literature. "Felix Holt" contains some fine characters and scenes, but I cannot regard it as equal to "Adam Bede" and "Silas Marner." We will not speak of "Theophrastus Such" (1879), written just before her death. It was the work of a woman physically and intellectually exhausted. I feel a certain guilty sense of disappointment when I think of the book, for I possibly had some hand in leading to its being written. I had sent her a long letter pointing out that our literature, with all its wealth of achievement in every known sphere, was still deficient in one form of composition in which the French stood paramount and alone. That was what they call *Pensées*—moral and philosophical reflections in the form of epigrams or rather apophthegms. I thought, and I still think, that this form of composition was peculiarly suited to her genius, at least in its prime. It was not in its prime when she painfully evolved the sour affectations set forth in "Theophrastus."

A word or two must be said about the Poems. They have poetic subjects, ideas, similes; they are full of poetic yearning, crowded with poetic imagery; they have everything poetry needs, except poetry. They have not the poet's hall-mark. They are imitation poems, like the wonderful forged "ancient masters" they concoct at Florence, or the Tanagra statuettes they make in Germany. With all her consummate literary gifts and tastes, George Eliot never managed to write a poem, and never could be brought to see that the verses she wrote were not poems. It was an exaggeration of the same defect that mars her prose; and her verses throw great light on her prose. They are overlaboured; the conception overpowers the form; they are too intensely anxious to be recognized as poems. We see

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not so much poetic passion, as a passionate yearning after poetic passion. We have—not the inevitable, incalculable, inimitable phrase of real poetry—but the slowly distilled, calculated, and imitated effort to reach the spontaneous. It is melancholy indeed to have to say this, after such labour, such noble conceptions, such mastery over language: but it is the truth. And it explains much of kindred failure in her prose work. Great imagination, noble conceptions, mastery over language can do much, but they cannot make a poet. Nothing can, but being a poet. Nor can these gifts make a great romancer or poet in prose. Nothing can, but being born to romance, to being a prose poet. The Lord said truly—"Which of you by taking thought can add one cubit unto his stature?" George Eliot had not sufficiently meditated on this scripture. She too often supposed that by taking thought—by enormous pains, profound thought, by putting this thought in exquisite and noble words—she might produce an immortal romance, an immortal poem.

And yet let us never forget that "The Spanish Gypsy" is a very grand conception, that it has some noble scenes, and here and there some stately lines—even some beautiful passages, could we forget the artificial alliteration and the tuneless discords to which the poet's ear seems utterly insensible. The opening lines seem to promise well and have much of mellow thought, in spite of five hissing sibilants in the very first verse:

> "'Tis the warm South, where Europe spreads her lands,
> Like fretted leaflets, breathing on the deep:"

And then comes in the fourth line an awful cacophony of alliteration—and an alliteration in "c."

> "A calm earth-goddess crowned with corn and vines"

Then comes a really pretty but artificial line—an alliteration in "m."

> "On the Mid Sea that moans with memories"

The seventh line again is an alliteration of alternate "p" and "d."

> "Pant dumbly passionate with dreams of youth."

The tenth line is an excruciating alliteration in sibilants—

> "Feeds the famed Stream that waters Andalus."

But it must be admitted that the next line is graceful—

> "And loiters, amorous of the fragrant air."

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The whole introduction of some four hundred lines is full of beautiful images, fine thoughts, and striking phrases—but it is crowded, artificial, brocaded to excess with *trop de choses;* and it suddenly breaks into drama, with dialogue in persons. This alternation of dramatic form and dialogue with epical narrative, interlarding the tragedy in parts with portentously long explanatory comment, is perhaps the most unlucky novelty which was ever attempted in verse. What would one say if whole pages out of Wordsworth's "Excursion" had been accidentally bound up between the pages of Shakespeare's "Hamlet"?

But it is needless to enlarge on all the metrical and poetic defects of this medley of nearly ten thousand lines, with its lip-twisting, ear-torturing lyrics—(was there ever such a cacophony as—

> "O the sweet sweet prime
> Of the past spring-time!—")

—with its strange alternations of action and narration, its soliloquies of one hundred and fifty unbroken lines, and all its other incongruities. The important point is—that it has a really grand scheme, that the characters of Zarca and Fedalma are lofty, definite, impressive, and nobly dramatic, that the whole poem is, in conception, a work of power and true imagination. Just as Kingsley, who had far greater poetic faculty than George Eliot, mistook in making "The Saint's Tragedy" a drama, when he might have made it a grand historical romance, so George Eliot made a cruel mistake in writing "The Spanish Gypsy" as a poem, when she might have written it as an historical romance—a romance, it may be, much superior to "Romola," as the subject and the conception were on grander lines.

It is to me a truly melancholy duty to have to admit that so much in the noble conceptions and rich thought of George Eliot was not a complete success in ultimate execution—and that, in great measure, because the conception and aim were so great and the execution so profoundly conscientious. I knew her well; I was amongst those who had the deepest regard for her mental power and her moral insight. I always recognized her as one of the best and most cultured minds of her time. I had great faith in her judgment, and could respect her courage even when I repudiated her opinions. But I never was one of those who exaggerated her gifts as an artist. I never could count anything later than "Silas Marner" as a complete and unqualified masterpiece. One may have the imaginative power of

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Michael Angelo's Sistine Chapel, or of his Medicean tombs, and yet if one is not complete master of the brush and the chisel, no imagination, no thought will produce a masterpiece in fresco or in marble. George Eliot was a most thoughtful artist, but she was more of a thinker than an artist; she was always more the artist when she was least the thinker; and when she conceived a work of art in her sublimest aspirations (as notably in "The Spanish Gypsy") she almost makes us doubt if she were an artist at all. She was an artist: and the younger generations will make an unpardonable error if they fail to do justice to the permanent survival of her best and earliest work. They will also be guilty of unpardonable blindness, if they fail to note how completely she stands above all her contemporary rivals in romance in thought, in knowledge, in nobility of aim. She raised the whole art of romance into a higher plane of thought, of culture, and of philosophic grasp. And when she failed, it was often by reason of the nobility of her aim itself, of the volume of her own learning, of the intensity of her own standard of perfection. Her passages in prose are studied with the care that men usually bestow on a sonnet; her accessories and landscapes are patient and conscientious transcripts of actual spots of country and town; her drama is a problem of ethical teaching, subtly elaborated, and minutely probed. In these high aims and difficult ambitions, she not seldom failed, or achieved a somewhat academic and qualified success. But the task was not seldom such that even to have fallen short of complete success was a far from ignoble triumph.

She raised the whole art of romance to a higher plane, I say; and, although in this ambitious aim she too often sacrificed freshness, ease, and simplicity, the weight of the limits she imposed on herself must fairly be counted in the balance. Romance had never before in England been written with such a sense of responsibility, with such eager subtlety of form, and with such high ethical purpose. The sense of responsibility wearies many readers, and at last crushed the writer; the form became "precious," and at last pedantic; and the ethical purpose was sometimes more visible than the ethical life. In the French drama, Corneille had great conceptions, noble types of character, stately verse, and tragic situations; but English readers too often find him mannered, artificial, dull. Corneille, I freely admit, is not Shakespeare: I greatly prefer Shakespeare; but I prefer Corneille to Ibsen. We have plenty of Ibsenites to-day, and rather a plethora than a dearth of ignoble creatures in squalid situa-

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tions who expose to us their mean lives with considerable truth to nature. In such an age, it is just as well that the lessons of "Adam Bede," "Romola," Fedalma and Zarca, should not be quite forgotten.

The art of romance, in the widest and loftiest sense of the term, is even yet in its infancy. Ancient literature, mediæval literature, knew nothing of it. Nor indeed did modern literature entirely conceive it in all its fulness until the days of Le Sage, Richardson, Fielding, Goldsmith. Nay, we may say that its power was not quite revealed before Scott, Goethe, Manzoni, Jane Austen, Balzac, and George Sand. Its subtlety, its flexibility, its capacity for analytic research, its variety of range, and facility for reaching all hearts and all minds—all this is simply incalculable. And we may be sure that the star of romance in its best sense has not yet reached its zenith. It is the art of the future—and an art wherein women are quite as likely to reign as men. It would be treason to Art to pretend that George Eliot came near to such perfection. But she had certain qualities that none of her predecessors had quite possessed, and she strove for an ideal which may one day become something more than a dream—a dream that as yet eludes and escapes from the mind as it struggles to grasp it and to fix it.

FREDERIC HARRISON.

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THE BENEFITS OF HARD TIMES.

It has often been remarked that a commercial crisis is a part of the process of cure of preceding evil conditions. What is called speculation has customarily preceded such crises, often on the wildest possible lines. Yet every man who buys or provides goods in anticipation of their consumption is in one sense a speculator. He trusts the future for an increasing demand coupled with a gradual reduction of the stock of each season. He thus distributes such goods, equalizing and steadying prices, to the benefit of all, including himself. But when fancy and imagination take the place of sound judgment, speculation runs riot. The prices of stocks, of lands, and of goods of every kind are forced to a point which is injurious both to the producers who are misled and to the consumers who for the time pay more than the goods are worth. Then comes the commercial crisis which merely weeds out the unsound or bankrupt, leaving the solvent establishments to recover and to go on their usual course.

There are other crises in the conduct of business of a different kind. The most notable one which ever occurred in this country was the financial panic and paralysis of industry which, although long anticipated by a few persons, suddenly burst upon the country in April, 1893. This crisis was not due to the customary causes. There had not been any recent extravagant speculation. Railway enterprise had even been restricted. There had been no excessive construction of mills or workshops of any moment. The prices of goods were low, the wages of labor were high, and there was no lack of employment for the industrious and capable either in the field, in the forest, in the mine, in the factory, or in the workshop. The panic was a purely political one, due to the incapacity of the Congress of the United States to deal with the great financial questions then pending. The warning had been repeatedly given that disaster would ensue unless the credit and integrity of the country were maintained by stopping the inflation of the currency on a silver basis. It was finally stopped to avoid immediate disaster. The effects of this crisis lasted for over two years, bringing want and

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compulsory idleness in the midst of abundance, and in the face of all natural conditions making for prosperity and welfare. Its malignant influence is still felt.

Can there be any benefit from hard times due to such causes? Of course no one would wilfully promote such a cause of hard times in order to attain an ultimate benefit. Whatever benefit may have ensued would have surely come in the lapse of time, but perhaps not so soon except for this active cause. One may, therefore, rightly review the compensations which may ensue or have ensued to the benefit and welfare of the people as a whole, but at the cost of many individuals who have wrongfully suffered from this panic.

One conspicuous result of a crisis of any kind is to bring into view bad practices which have been either fraudulent or semi-fraudulent, and which have tended to develop what might be called "financial dry rot," first working slowly, but surely culminating in virulent activity and in sudden collapse. There has, perhaps, never been a commercial or financial crisis in which these effects were more marked than they have been since the panic of 1893.

The most conspicuous effect of this panic has been in its influence upon railway property. A very considerable proportion of the mileage of our railways has been forced into the hands of receivers, leading to the necessity of reorganizing several very extensive systems. This disaster has without doubt been very severe upon many holders of stocks and bonds, to many of whom no fault could be imputed. On the other hand, a permanent benefit will come out of this disaster. There has been little or no difficulty during the last ten or twenty years in making a selection of the bonds of solvent railway corporations for permanent investment with little or no hazard of the loss of either interest or principal; while, on the other hand, there is hardly a railway corporation or system which has been forced into the hands of receivers on which the risk could not have been anticipated by prudent persons examining the cases on their own account, or upon which they could not have received advice from prominent bankers or railway experts which would have saved them from their present loss.

If regard be given to the financial history of almost every one of the railway systems which have lately become insolvent, the cause may be readily found, dating in many cases from the very beginning of the enterprise. The ordinary rules which govern sound business undertakings have been wholly disregarded in the lay-out and construction of a very considerable part of the railway service of this

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country. Had any one at any time in the last twenty years put before investors a manufacturing or commercial undertaking upon the lines on which railway construction has been conducted, not a dollar of true capital would ever have been invested either in the manufacturing operation or the business thus promoted. What would have been thought of a promoter of a textile factory, machine-shop, or any other department of productive industry who should have laid before the public a plan for borrowing money sufficient to pay for the plant on first-mortgage bonds, thereby incurring a debt equal to the investment at the very beginning; then issuing as a bonus an equal or lesser amount of second-mortgage bonds; and then throwing in the preferred and common stock for a sum equal to both classes of the bonds combined, more or less, without any payment whatever? Would he not have been deemed an imbecile or a rogue? Yet that is not an extravagant statement of the way in which many railway enterprises, now almost all in the hands of receivers, have been put upon the public.

Next has followed an effort to recover from the price of the railway service a full income on both classes of bonds and something over for a dividend on the stock. Success has sometimes been temporarily attained even in that undertaking. Hence the virulent bitterness against watered stock. What followed? Some other corporation more conservatively managed, witnessing the opportunity to extend its own business, has built a competing line on a cash basis at true cost. Competition has ensued. The railway capitalized on a cash basis and operated with true business sagacity has of necessity secured a large part of the traffic at a lessening and yet sufficient charge. After a vain struggle the speculative enterprise has come to grief, to the great benefit of the public, but in total disregard of the relatively small number of innocent victims.

Yet again, there is a certain number of men whose names are synonyms for integrity, ability, and true business capacity, under whose direction great railway enterprises have been successfully conducted, subject only to temporary difficulties such as affect all branches of productive energy. On the other hand, great systems of railway have fallen into the hands of malefactors whose very names might have been taken as a warning to prudent investors not to put their money under conditions in which it might be stolen from them. It has never been difficult to choose railway investments of the safer kind on the part of those who may have elected to incur a true busi-

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ness risk on a cash basis; it has never been difficult for any person of ordinary prudence to avoid being shorn by the malefactors and their associates who have abused their trust and whose names had become synonyms for fraud.

But in addition to these forces, on the one side sustaining skilled management, and on the other side leading to the destruction of the victims of the malefactor, other causes have gravely affected the railway service. No prudent manager of any manufacturing corporation, or of any business enterprise in which capital has been invested in costly machinery, ever fails to charge to the cost of the annual product a full sum for the necessary depreciation of the plant. How many railway corporations are there which have closed their construction account (except for extensions), and have regularly charged off year by year a sum sufficient to bring the valuation of locomotive engines—which, not many years ago, were rated at over twice what they cost to-day, cars in proportion, and steel rails which cost one hundred dollars a ton,—down to the present cash valuation of about seven thousand dollars for the locomotive engine of a more effective kind, better cars at a similar reduction in cost, and steel rails at less than twenty-five dollars a ton? Yet is it not in the interest of the public, and is it not a matter of necessity on the part of the railway corporation, that their plant on which they may expect to earn an income shall be brought down to a valuation representing only what the cost of that railway would be at the present time, on which only can any income now be recovered from the service? Whatever may be the misfortune to the small fraction of the population of this country who have a property interest in railway bonds, or to the yet smaller fraction who have any interest in railway stocks, it is nevertheless an economic necessity that all property of this kind must be brought down to a cost valuation at the present time, on which the profit over and above the cost of service may be maintained at 4 or 5 per cent per annum, as compared to a rightly expected profit twenty years ago of 6 to 10 per cent.

Turning now to the future: the railway service of the country is wholly insufficient for its present need. There may be more than enough through lines, but a very great amount of railway construction is yet required to bring the crossway or connecting service of individual States to anything like a sufficient condition. It is to the great benefit of the country as a whole that the speculative method of promoting, and the malefactor's method of plundering

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the community have been brought to an end. When railway construction begins again, as it soon may, will it not of necessity be conducted by men of integrity on a cash basis with an effort to earn only a reasonable income on a true investment? Is it probable that the malefactor's method can again be imposed upon an over-confident community? It may, however, well be remembered that the sheep who are shorn in the stock market always bring their own fleeces to the man who holds the shears: each generation seems to supply a new flock of gullible sheep.

There is another beneficial aspect of the influence of the panic upon the future of the railway service. There can be little doubt that on very many railway lines and systems a true and careful economy had never been exercised. Hard times have been a most severe schoolmaster. There has probably been greater progress in increasing the efficiency of the railway service of this country, and in reducing the cost by the exercise of true economy, during the last two or three years, than in any similar period at any previous time. The margin of profit in almost every branch of productive energy now consists in saving the waste of previous periods. This rule is as urgent and severe in railway operation as it is in manufacturing. On the other hand, the entire profit of the nation as a whole in a prosperous year now amounts to a less sum than has been saved by the reduction in railway charges in the last twenty years. Were railway charges at the same rates as they were from 1865 to 1870, the excess each year would come to more than the present savings or additions to capital of the whole nation. The reduction in railway charges and the substitution of railways for roadways even since 1870 is equal to the reduction in the prices of nearly all our great staple products: the benefit of this reduction has been reaped by consumers, who have gained both from the low prices and high wages which are the complement of lessening cost of production and distribution. These are permanent benefits both to the public and to the present railway owners. By so much as the dividends of railways may have been unduly reduced of late under the pressure of hard times, may they be moderately increased in the future through the exercise of greater economy and more efficiency in the conduct of the work of the railways themselves.

It may happen that in certain instances the final conclusion of the present difficulties affecting some railway systems may not be reached until through actual bankruptcy the property is sold under the fore-

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closure of the first-mortgage bonds; all other securities being wiped out. Thereafter the property may be reorganized on the basis of what it would cost at the present time. Under such conditions nearly all existing lines may be expected to continue to be operated for the benefit of the community, and in most cases to the benefit of the successors of the present owners of the speculative "securities," so-called.

If these points are well taken, the disaster which may be attributed to the panic of 1893 in the railway service has been limited to a very small fraction of the community; the general benefit will be distributed through many subsequent years.

We may next take up cotton, subsequently wheat. There are no two products which are more conspicuous than these two, because they enter so largely into our international commerce. There are several other products which exceed them in importance and in valuation, but their use, being mainly limited to this country, does not attract so much attention.

Dealing first with cotton, there is no great important staple which has been so maltreated, from the beginning of its cultivation down to a very recent period, as American cotton. The Southern States, relying upon their paramount advantage in the production of the useful cotton of commerce, have wholly ignored the most important elements of improvement in the production, under the mistaken notion that their customers paid for their abuses and their neglect of the staple. The saw-gin by which the cotton is separated from the seed ought to be and will soon be invented out of existence. Its only merit is the quantity which can be run through each machine; and the greater the quantity and the higher the speed, the greater the damage. It tears and cuts the staple. It renders it useless for planters to lengthen or improve their staple, because with that improvement comes the greater injury when the longer cotton is ginned upon the saw-gin. After it has been badly ginned, our cotton has been as badly baled, as badly covered, and as badly treated as it is possible to conceive. Every effort to promote improvement in past years failed. The writer undertook to deal with this subject many years ago, but long since came to the conclusion that nothing but the lesson of hard times and excessively low prices would bring about any change for the better. That time arrived. The silver craze increased its intensity. Prices, which would have been forced very low by enormous crops, were forced yet lower through the discredit, especially of the Southern section of the country, induced by the

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silver craze. The benefits are in sight. The whole South is aroused. New methods of baling, new methods of handling, and improved methods of ginning are already invented and firmly established.

The merit of Egyptian cotton for American use, whereby a great many factories have been established in this country on the finer numbers for which American cotton as now grown and handled is utterly unfit, has called the attention, especially of the people of Texas, to the reason why Egyptian cotton is better. There are vast areas, notably in the southern and upon many parts of the coast of Texas, also upon the Red River and other bottom lands, where cotton equal to Egyptian cotton can doubtless be grown; possibly from American green seed, but more surely from the black seed of Egypt itself if it can be kept separate from other types and maintained on its own merits. Yet it would be useless to cultivate and pick such cotton if it were then ginned upon the saw-gin and packed as badly as American cotton is now packed. There are signs of a true comprehension of this question. Within the year several different types of the roller-gin on which Egyptian cotton is now prepared have been brought to the attention of the cotton-growers. The way is plain. All that is needed to attain the benefit of the recent hard times is for the Southern cotton-growers to exercise their own intelligence and to learn the true lesson. Egypt has reached her maximum until enormous and expensive irrigation brings into cultivation new areas of soil now desert. Within a few weeks the supply of Egyptian cotton appears to have been exhausted, and while the price of American cotton has advanced moderately the price of Egyptian cotton has nearly doubled.

Under the pressure of lessening prices a vast general benefit is being secured in the Southern States, so lately redeemed from the burden of the slave system of agriculture. That system was described more perfectly by Southern men than it ever has been by any other writers. Dr. N. B. Cloud, of Alabama, one of the most intelligent ante-war writers on agriculture, long since stigmatized Southern methods of farming in substantially the following words:

"You have gullied your hillsides and blasted your prairies, and, while possessing the control of the best forage plants of the world, have made yourselves dependent upon the Northern States for hay with which to subsist your stock."

The late Governor Wise of Virginia used yet more pointed words when he said, "Your niggers have skinned the land, and your white men have skinned the niggers."

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All that has passed away. For many years during the period of Reconstruction, when the white brain of the South which had been in rebellion was too long disfranchised, while the then ignorant black was charged with the duty of the suffrage, disorder and discredit prevailed. That period ended some years since. Progress in agriculture, mechanical arts, mining, and manufactures then began,—at first under bad and misdirected efforts. Low prices and other causes had brought special discredit upon many parts of the South two or three years before the panic due to the silver craze came. This was to the great benefit of the South. The people then began to make progress from within, rather than depending upon outside capital. Hence it happened that the South was in a stronger position, relatively, than either the North or West when the silver panic ensued.

Great progress has been made in the reorganization of the colored people of the South. Evidence of any kind can be obtained, according to the purpose of the seeker, in regard to the present qualifications or disqualifications of the black population of the South; but any one who endeavors to elicit the truth becomes doubtful whether any other race except the black race could have sustained itself, increased and multiplied under the period of slavery, or would have made such progress since emancipation. Every other race has vanished from the face of the earth under similar conditions of slavery. To the vitality of the blacks has been added the imitative faculty and almost a superstition in regard to common education. Hence it is doubtful if any other great body of people of any white race whatever could ever have made as great progress in individual wealth and welfare, and in conquering the long-inherited prejudice of those among whom they dwell, compared to that which the blacks of the South have already attained. On the other hand, the poor whites have come to the front. They had been disqualified by ignorance and by the discredit of working on their own behalf in the times of slavery. They are gradually surmounting the blunders of the Farmers' Alliance, the Populist, and the silver craze. They are rapidly learning to renovate the soil which had been "skinned" in the days of slavery, and, possessing as they do the control of an almost infinite variety of leguminous plants through which the nitrogen of the atmosphere can be converted to the nutrition of the soil, they are rapidly gaining ascendency, and with that ascendency and responsibility they will learn discretion in the control of government. Where their prejudices are still adverse to the colored race

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they are being met by the influence which the former Confederate leaders have rightly gained, by which they are securing the support of the black voters without regard to defunct party names.

The hard times which ensued in South Carolina from the abuses of the so-called "carpet-bag" government, of which the majority of the white men in the legislature were Southern born and Southern bred, led to a change under which Gen. Wade Hampton was chosen governor. The lesson of the hour was given to me by an old negro whom I found alone in charge of the half-finished capitol on my first visit to Columbia, S. C.; of him I asked an explanation. His answer was, "Dat's very easy to 'splain, boss; yer can't put ign'ance on top o' 'telligence and make it stay dar."

Again, in wheat: nothing could have been more wasteful than the first methods of dealing with the great wheat lands of the far Northwest. They were cropped year after year under a single-crop system; the elements of the soil were slowly but surely exhausted; the straw wasted; yet enormous profits were gained at the high prices which prevailed. With lessening prices the reduction in the cost of moving the wheat from the field to the consumers on distances of one to five thousand miles, and the application of new inventions to the processes of agriculture, enabled this wasteful single-crop system to be continued longer than it should have been continued. The panic due to the silver craze carried the price of wheat far lower than it had ever been before. With what results? A great impetus was given to the varied system of agriculture upon which the most intelligent farmers had already entered. The all-wheat system yielded; now, under the rotation system, the crop has been kept up in its average quantity, varying according to the season, on a lessening area of land.

A revolution has occurred in milling processes, and it remained for the hard times to teach the people of this country a lesson which a few had learned in Great Britain,—namely, that wheat is a better food and also a cheaper food for stock under many conditions than either Indian corn or any other kind of grain. That lesson now learned is a permanent benefit, bringing stability into the processes of Western agriculture, and hereafter tending to prevent the great variations in price which have so frequently marked the varying crops of wheat, oats, and Indian corn.

In the manufacturing arts, in metallurgy, and in many mechanic arts there have been few periods in which such progress has been made in the applications of science and invention to the development

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of each art as in the last two years of hard times and low prices. A very few old establishments have become bankrupt,—iron furnaces, textile factories, and the like, in which the machinery or mechanism had not been kept up. A very few strong concerns, which owed a little too much on demand, have been temporarily placed in the hands of receivers. As a whole, very little disaster, beyond the temporary loss of profits, has affected either the mining interests, the great machine works, or the textile factories of the North and West.

The last few years have also been marked by the organization of numerous so-called trusts. These organizations are of three kinds. One is occupied in the production and distribution of materials which must be dealt with on an enormous scale in order that the lowest cost may be attained. When these combinations are under the direction of men of true insight and capacity, they may justify their existence by reducing the cost of the product to the consumers, even though they may themselves secure a large profit for a time in thus organizing to the mutual benefit of the public and of themselves. Another class of trusts consists of those who control patent-rights,—occasionally of great value,—more often serving merely to float speculative bubbles. The third class is promoted by the speculative persons who buy up or obtain bonds for the sale of important manufacturing plants which have been successful under individual conduct and control, capitalizing, as they call it, these manufacturing plants at twice to three times what they would cost, then putting off upon a gullible community these so-called "securities."

The benefit of the recent hard times has been to expose the iniquity of many undertakings of the second and third class. Whether the warning will last beyond a few years is doubtful. In each generation will be found a body of men of a plausible and to some extent able type whose moral sense is obtuse, and who have no sense of wrong in promoting these speculative patent bubbles or inflated "industrials," as they are called; while, on the other hand, each generation produces its proportion of those who are ready to be fleeced in their effort to make something out of nothing. Such dupes are very apt to be the descendants of men who have penuriously and laboriously piled up wealth, but whose children, "not having been brought under the healthy stimulus of prospective necessity, and for whom nothing else has been provided," lose the property with which they have been charged. In many cases this method of distribution works a benefit to the community. The property passes

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from the hands of those who have proved to be incapable of making a good use of it, while they themselves are sometimes developed into active and useful persons under the pressure of the need of working which they have brought upon themselves in their effort to live on profits made at the cost of other people's losses.

In conclusion it may be held that it is the function of capital to bear the brunt of all commercial crises. Capital can wait for favorable changes which laborers must meet at once, and from which many may suffer. The burden upon capital is rendered the more severe in hard times through the fact that the inventor is the great destroyer of capital. Hard times promote invention. That which had been previously valuable property is wholly displaced by new inventions and new processes, to the end that material progress and general welfare are more fully promoted by the destruction of property and capital through invention than by the accumulation of individual wealth. Science and invention add to the common wealth at the cost of the individual. Nothing in the way of statistics can be more delusive than the efforts which are made to prove the progress of the people by the progressive increase in the value of lands and other property measured in money. The fact that large areas of farm land upon the bleak hills of New England have been abandoned is one of the most conclusive proofs of the progress in intensive agriculture. The fact that a lessening number of persons now occupied in agriculture develops increasing crops is a proof that we are being spared a part of the hard work of providing food, while the mechanism of the inventor is being substituted. The hardships to which the few laborers are subjected by these changes may be unavoidable. Such hardships can be surmounted only by the development of individual capacity and aptitude for various work. Through the recent period of hard times, brought on by the silver craze and by the danger to the credit of the United States, a very large number of persons has been deprived of work from the incapacity of Congress. They have suffered want in the midst of abundance,—that abundance consisting of idle capital waiting for a restoration of confidence in order to be invested so as to provide for future wants. This customary and normal investment in constructive enterprises was kept back merely by lack of confidence in the fiscal legislation of the country. It is now being resumed.

Great as may have been the number of the unemployed during the past two years, that number has yet constituted a very small fraction of those who are occupied for gain, the great majority of whom

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must at all times be continuously employed upon the work by which the country lives. A little larger proportion have had their wages temporarily cut down. But at least three-quarters of the great body of the employed have been, during this very period of so-called "hard times," enjoying higher rates of wages and gaining a better subsistence at a lesser cost than ever before. The evidence of this can be found, by him who has eyes to see, in the extension of every great city, in the multitude of houses of moderate cost, in the multiplication of the small industries, in the enormous sale of bicycles, and in the rapidly extending markets for flowers and other common luxuries which the mass of the people now enjoy.

At the present time a few of the prices of crude materials which had been abnormally depressed are being brought back to profitable rates; but the improvement in the methods of converting these crude products into their higher forms, which have been forced into action by the hard times, will still enable the converters to supply the finished goods of many kinds, both in metals, in textiles, and of other kinds, at prices very nearly or quite as low as those which were reached at the lowest point, yet with a sufficient profit to lead to the extension of the works and to make provision for the wants of our rapidly increasing population. Never before in the history of any country has there been such a complete demonstration of the true rule of progress by which society is governed under the law of competition. That rule is that in proportion to the increase and effectiveness of capital the gross product is augmented; the share of that product falling to the capitalist is also augmented in the aggregate, but is diminished relatively to the quantity produced; the share of that product which falls to those who do the direct work is augmented both absolutely and relatively. Hence the benefit of hard times will presently be further developed under this law, to the end that those who take over to themselves the specific title of the "working people" of this country will secure to their own use and enjoyment a larger share of an increasing product than they ever attained before; being already in the enjoyment of the largest share of the most abundant product as compared to all other nations in the so-called civilized world. What may be the effect of these progressive conditions of increasing welfare upon a country which is now the lightest taxed for national purposes of any machine-using nation, the future only can tell.

EDWARD ATKINSON.

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THE ANECDOTIC SIDE OF ENGLISH PARLIAMENTARY DISSOLUTIONS.

THE power which controls the dissolution of the English Parliament is supposed theoretically to be the Crown; but this requires explanation. In the practical working of the British Constitution there are two operative forces,—Law and Usage; and Usage is more operative than Law. The Crown has, indeed, the power to dissolve Parliament at any time, for any good cause; but inasmuch as the Crown has either to act by the advice of Ministers or to find Ministers who will accept responsibility for the acts of the Crown, the prerogative of dissolution, unrestricted in theory, is strictly limited in practice; therefore, in the end, it is the Prime Minister who "gives the advice," or "takes the permission," to dissolve. But as the Prime Minister, if he wishes to continue in public life, must find colleagues willing to share responsibility—first to the House, and finally to the constituencies—for his acts, his power of advising a dissolution is also limited by these considerations, all of which are constantly operative. The Prime Minister's mind has to be made up, as to the wisdom of dissolution, rather by the influence of a great and pressing necessity admitting of no alternative, or by the reports and advice of the party agents. In either case he may be deceived.

The interest taken in dissolutions of Parliament is no new thing. There has never been a time when men were not eager for news of such an event. Chief-Justice North, for example, dined with the Duke of Lauderdale at Ham about 1680, "when both those councillors were as blown deer and would be glad to have Parliament dissolved; of which, to say truth, the whole nation was weary. And at this time the frost was very sharp and the company at dinner complained of cold. The Duke turned round, and, looking back toward the window, said: 'There will be a thaw soon.' None at table but his Lordship guessed his meaning. And so he intended it; for he knew that the Parliament would in a few days be dissolved; but his Lordship did not tell that he guessed it from that sentence of the Duke's, and so it proved accordingly." Cromwell dissolved his Parliaments

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without scruple, placing the responsibility, as usual, on Providence—"God judge between you and me." Charles II. dissolved his Parliament when it opposed his policy. Of the dissolution which took place in 1679, Macaulay writes:—

"During some weeks the contention over the whole country was fierce and obstinate beyond example. Unprecedented sums were expended. New tactics were employed. It was remarked by the pamphleteers of that time as something extraordinary that horses were hired at a great charge for the conveyance of electors."

But we do not begin to take a really keen interest in Parliamentary dissolutions till the beginning of the modern political practice in 1784. At midnight on December 18, 1783, Mr. Fox and Lord North received the King's orders to deliver up the seals of office, and to send them in by the Under-Secretaries, since a personal interview on the occasion would be disagreeable to His Majesty. On the 19th the House of Commons met. Fox and North were in their places. It was the custom in those days for Ministers to appear in the House in full dress; hence Lord North had hitherto been styled "the Noble Lord in the blue ribbon." On this occasion the badge was missing. We read in Pitt's "Life":

"There was seen to walk up a young member, Mr. Richard Pepper Arden, holding an open paper in his hand, and soon after, rising in his place, he moved a new writ for the borough of Appleby, 'in the room of the Right Honorable William Pitt, who since his election has accepted the office of First Lord of the Treasury and Chancellor of the Exchequer.'"

So hazardous seemed the venture that we are told this motion was received with loud and general laughter on the Opposition side. The question of a dissolution at once arose. Pitt could not hope in that House to command a majority. Fox and North had from seventy to eighty of a majority on which they could depend. "I here declare," said Fox on this occasion, "that if a dissolution shall take place, and if very solid and substantial reasons are not given for it, I shall, if I have the honor of a seat in the next Parliament, move a very serious inquiry into the business and bring the advisers of it to account." An address against either prorogation or dissolution was carried without a division. But neither the King nor Pitt was to be bound in this way by a House which, in the judgment of both, had ceased to represent the country. Pitt, on being appealed to some days later to say whether a dissolution was intended, said, after some silence, "I decline to pledge myself to the House that in any

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possible situation of affairs I would not advise His Majesty to dissolve Parliament." He continued to combat a weakening opposition in Parliament and to acquire a growing popularity in the country. On March 23, 1784, he wrote to the Duke of Rutland:

"Our calculations for the new elections are very favorable and the spirit of the people seems still progressive in our favor."

On the 24th thieves broke into the Lord Chancellor's room in Great Ormond Street and stole the Great Seal. If they were not friends of Fox and North, they worked in their favor. By prompt measures, and the consent of the King, a new Seal was ordered, which was ready next day, as Pitt was determined that what he significantly called a "curious manœuvre" should not succeed. Parliament was dissolved on the 25th. "I feel it a duty which I owe to the Constitution and to the country in such a situation to recur as speedily as possible to the sense of my people by calling a new Parliament," was the language of the King. James II. had thought to embarrass his successor by dropping the Great Seal into the Thames. The Opposition thieves had tried to prevent a dissolution in a similar manner. Both parties were disappointed. When the first fight in the House regarding the dissolution was over, Pitt wrote to the Duke of Rutland:—

"The Opposition argued everything weakly, and had the appearance of a beaten party, which appeared still more on the division, when the members were 282 to 114."

Regarding these events of 1784, Lord John Russell, in his "Memorials of Charles Fox," says:—

"The precedent of 1784, therefore, established the rule of conduct that, if the Ministers chosen by the Crown do not possess the confidence of the House of Commons, they may advise an appeal to the people, with whom rests the ultimate decision. This course has been followed in 1807, in 1831, in 1834, and in 1841."

The dissolution of 1790, after six years of successful administration by Pitt, caused no excitement. "We are daily adding to our strength, wealth, and prosperity," said Mr. Pitt, and the country sustained him in his belief in the success of his administration. When the dissolution of 1796 was approaching, Pitt was as strong as ever. Fox was still in a hopeless minority; the division on his motion for an address to the Crown condemning the war with France left the mover in a minority of 42 to 216. In May the House was dissolved. The main interest centred in Fox's election for Westminster, as it had on the previous occasion. Pitt was again sustained. When the dissolution of 1802 was at hand, the scene had changed and was still

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rapidly changing. Seventeen years of power had been well employed by the Minister at whom the Opposition had laughed so derisively on December 27, 1783. The India Bill had been carried. The war with France had been conducted with vigor and success. The trial of Warren Hastings had afforded an opportunity for the display of all the parliamentary eloquence which England possessed. The legislative union with Ireland had been accomplished. In bringing about the union Pitt had pledged himself to the Catholic leaders to grant them relief from the political disabilities under which they labored. The King, however, was obdurate; and the Minister, finding it not possible to fulfil his promise to the Catholic leaders, resigned the power he had held so long. The dissolution of 1802 took place when Addington was Minister in succession to Pitt. Pitt gave Addington the benefit of his loyal support. The Parliament was near the end of its term. There were no disturbing questions at home. The parties in the political field were the Peace Party, the Moderates, and the Ministerial War Party; and these, at the elections, had everything all their own way.

In 1806, the Grenville Ministry being in power, the Parliament was dissolved in order to strengthen the hands of the Ministry in the war against France. There was some talk of protests against the dissolution. Parliament was only four years old. The Government had a good majority, but the Ministry itself was weak; and Mr. Walpole, in his "Life of Perceval," says:—

"The conviction that they could obtain a substantial advantage by a general election, overcame their temporary scruples."

Lord Grenville assumed the responsibility of advising His Majesty to dissolve. "For myself," he said, "sacred as I hold every prerogative of the Crown, I feel that His Majesty's servants are answerable for the advice which they give His Majesty for the exercise of every one of them." But he defended the particular exercise of the prerogative of dissolution as follows:—

"If at any moment of our history the exercise of this prerogative was wise, proper, and discreet, it was upon the late occasion, and the Empire has gained this great and important advantage from the measure: that the degree of unanimity which has been manifested by the people from one end of the Kingdom to the other on the subject of the war, and on the determination to persevere in the struggle; on the necessity for vigorous exertions; and the approbation of the steps which have been taken by His Majesty's Government,—has given strength, confidence, and spirit to the Government, and has given a noble example to the world of the vigor of a people who understand the blessings of independence and are determined to maintain them."

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This was long-winded eloquence, but probably Mr. Walpole's summary of the reasons for the dissolution was the more accurate.

In 1807, although it was the first session of a new Parliament, a fresh dissolution was ordered. The King (George III.) had become alarmed at the attempt of the Grenville Ministry to weaken his prerogative in regard to army appointments, and by taking action on the Catholic claims; and he dissolved Parliament fourteen months after it had been elected, after having first forced his Ministers to resign and filled their places with men more willing to give him pledges of resistance to the Catholic question. The King's speech at prorogation was prepared by Perceval. The new Ministry had, to its own surprise, won a majority of thirty-two on a vote in the House; and after this the dissolution was determined on. The result was favorable to the new men, and the Opposition were naturally very much chagrined. The King was again triumphant over a Parliamentary majority which had misunderstood the popular will.

The dissolution of 1812 is not historical in its character. No consideration affecting parties was concerned in it except the tiresome affectation of "No Popery." Lord Liverpool evoked a Ministry which lasted from 1812 to 1827. Lord Castlereagh, a much misunderstood and much maligned man, became Foreign Minister; Lord Elgin took the woolsack; the banner of "No Popery" was flung to the winds; and the new Ministry was sustained. Among the men defeated on this occasion was William Lamb, the future Lord Melbourne. The dissolutions of 1818, 1820, and of 1826 offer few points worthy ofnotice, though to students of parliamentary history those of 1820 and 1830 are interesting on account of their being precedents in the old doctrine, now done away with by statute, of the dissolution of Parliament on the demise of the Crown.

In 1831 there began a series of interesting struggles for "Reform." The dissolution of 1831 took place on account of the defeat of Ministers on the Reform question. "I am not prepared," said the Duke of Wellington in the course of a speech in the Lords, "to bring forward any measure of this nature, but I will at once declare that, as far as I am concerned, as long as I hold any station in the government of the country, I shall always feel it my duty to resist such measures when proposed by others." On the same night Brougham gave notice of a motion on Reform. On the 15th of November the Government of Wellington and Peel was defeated, and on the next day they announced their resignation. Lord Grey's administration followed. Its early

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stages are marked by the struggles of Brougham for the woolsack. "The Bar laughed; Mr. Sugden sneered; and King William IV., who had occasional glimpses of political forecast, assented not without reluctance." The new Government of Earl Grey made a first attempt at a Reform Bill, but was defeated twice between the 19th and 21st April. They advised a dissolution. The King, after some hesitation, consented, and even went down to the Lords and dissolved Parliament in the midst of a debate on a motion *against* dissolution,—so very close to our own time was this very remarkable exercise of prerogative.

In 1832 there was another dissolution, though only a year had elapsed since the last. Lord Grey's Ministry having passed a Reform Bill in the Commons, the Lords threw it out. "Perhaps the Lords who formed the majority," says Mr. Spencer Walpole in his "Life of Lord John Russell," "failed to see the full significance of the division. It brought the country to the verge of civil war." The Ministers advised the King to create as many new peers as would carry the bill through the Lords. The King, however, shrank from the alternative. The Duke of Wellington attempted to form an administration and failed. Lord Grey was recalled. Permission was finally given to Lord Grey to nominate enough peers to carry the bill; and he was prepared to act on this permission. But the King, to avoid this unpleasant necessity, wrote a letter advising the acceptance of the bill; and the Duke of Wellington exerted his influence with the Peers; the result was that enough stayed away from the division to enable the bill to go through. Parliament was then dissolved in order to enable the newly created constituency to exercise the franchise for the first time. The Ministry was of course sustained.

Two years later, in 1834, Sir Robert Peel obtained power to dissolve. The circumstances were these: The King (William IV.) had no confidence in Lord Melbourne and wanted to get rid of him. Lord Althorpe was leading the lower House for Melbourne, but his father's death removed him to the House of Lords. Lord Melbourne proposed to supply his place by means of Lord John Russell. The King refused this proposition, having said that he "could not bear John Russell." "And so," says Mr. Walpole, "to bring a long story to a short conclusion, the King, exercising his personal authority in a manner which the sovereign of England has never since employed, dismissed his advisers and sent for the Duke of Wellington. The Duke advised the King to send for Peel, but Peel found that he could not control the existing House of Commons and asked for a

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dissolution. Parliament was accordingly dissolved on December 30, 1834, in order to obtain a House that would give the King's new Ministers 'a fair trial.' Peel was strengthened, but not sustained, at the elections. He was beaten in the Commons on the election of a Speaker, and an amendment to the Address condemned the Ministry on the ground that the progress of Reform should not have been interrupted and endangered by the unnecessary dissolution of Parliament."

The death of William IV. and the accession of Queen Victoria necessitated a new appeal to the electors by Lord Melbourne in 1837. "As far as I can calculate," wrote the Secretary of the Treasury to Lord John Russell on July 5, "I think we shall gain by the dissolution to the extent of twenty or thirty. In Ireland we shall gain, I think, eight, and perhaps twelve; in Scotland, ten; in England from fifteen to twenty." But the results did not fulfil this anticipation. In England the Ministers lost considerably; in Scotland they won heavily; and Ireland sent seventy-three Ministerialists out of a hundred and five members. The elections had been fiercely contested. "It is amusing," says Greville, "to see both parties endeavoring to avail themselves of the Queen's name, the Tories affecting to consider her as a prisoner in the hands of the Whigs, and the Whigs boasting of the cordiality and warmth of her sentiments in their favor."

In 1841 the House was dissolved again. The Whig Government, which had been weakening, was defeated by a majority of one. A dissolution was procured by the defeated Ministers who, cleverly enough, in one way, shifted the ground of political discussion from the question of "confidence" to the question of a fixed duty on corn. Mr. Trevelyan, in his "Life of Macaulay," writes:—

> "There could be but one issue to a general election which followed such a session, and but one fate in store for a party whose leaders were fain to have recourse to so feeble and perfunctory a cry."

The Whigs were defeated, and Peel was in office again.

In 1847 it was Lord John Russell's turn to dissolve. The Parliament of 1841,—which had been elected to confirm and organize Protection and had adopted Free Trade; which had first chosen Peel above Russell and had ended by putting Russell above Peel,—was drawing to a close. When Lord John was elected, we read in his "Life": "When the children heard and understood the news, their spirits rose to the highest pitch. They danced, hurrahed, put a big wreath on John's head, and sang 'See the conquering hero.'"

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In 1852 neither the Government nor the Opposition was well organized. Lord Derby took office early in 1852 with an acknowledged minority in the lower House. He avowed that it was his policy to re-impose a protective duty on corn, after having taken the opinion of the country. Parliament was dissolved on July 1, 1852, the result being a defeat, though not a conclusive one till Parliament met. Then the Government was defeated on Disraeli's Budget, and had to resign. Mr. Russell, in his "Life of Gladstone," condemns Disraeli's Budget speech on this occasion, both as to matter and manner; but Lord Macaulay, Lord Malmesbury, and Mr. Buxton in his "Finance and Politics," praise it highly; the balance of opinion seems to be in favor of Disraeli's ability on the occasion.

In 1859 a "want of confidence" motion having been carried against the Derby-Disraeli Government, the Ministers determined to dissolve and notice was given of the intention on this occasion. In reply to Lord Palmerston, Lord Derby demanded where any authority could be found to justify any restriction upon the prerogative of the Crown to dissolve Parliament at any time and upon any occasion. Lord Palmerston in reply acknowledged the right of Government to dissolve, saying, "We recognize the right of the Crown upon any occasion to appeal from the House of Commons to the country." He, however, asserted the right of the House to protest against dissolution, so as to avoid inconveniences in the public business. But on previous occasions the Crown did not listen to such protests, and on one occasion, as has been seen, stopped a debate in the Lords, in order to accomplish a dissolution against which they were engaged in protesting.

The dissolution of 1865 was had by Ministers on the singular ground stated by Mr. Walpole in his "Life of Lord John Russell":—

> "The Ministers were anxious that the dissolution should take place while the country was fresh from the spectacle of their leader displaying night after night the elasticity of youth beneath the weight of years. The Parliament was dissolved in July, and the elections which immediately followed showed that his colleagues had not exaggerated the effect of Lord Palmerston's popularity."

The victory of July was followed by the disaster of October. The elastic constitution of Palmerston broke down under the strain of the elections, and he died.

In 1868, Mr. Disraeli being Premier, and the Government having been defeated in the Commons, the Premier proposed to the Queen that he resign, or that she give him a dissolution. The Queen offered him the dissolution. Mr. Disraeli, in making the announcement,

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stated that he had advised that the appeal should be made to the new constituency created by the Reform Bill of 1867. By consent of both parties it was agreed that the new Ministers should hold office till the new constituencies were organized. On this occasion some noteworthy points were raised. In the first place, it was contended that the dissolution was a "penal" one inflicted on the House because of its defeat of the Disraeli Administration. In the next place it was singular to see a Government defeated on one ground appealing to the country against the policy of its opponents on another,—the Irish Church. In the third place, for more than six months the government of the country had been carried on by compromise until both parties were ready for a fight, the Ministry being unable to control the House, and the Opposition being unwilling to turn out the Ministry. Finally, when the dissolution took place and the Disraeli party was defeated, Mr. Disraeli established the unusual course of resigning office without waiting for the meeting of Parliament,—a transfer of immediate power from the House to the electorate which marked a great stride forward—or backward—in political practice. Mr. Disraeli thus defended this line of conduct:—

"We felt that this course was due to our own honor; to the personal convenience of the sovereign and the progress of public business; and lastly due to the incoming Minister that he should not be thrust into office without time to prepare his measures."

Not one of these reasons would bear close examination. The personal honor of Ministers would not have suffered if they had waited for the meeting of Parliament whose committee they were. The personal convenience of the sovereign could not have been disarranged if the routine of administration went on. There was no public business which had not been duly provided for by the passing of the estimates. And an "incoming Minister" might at any time, as in the case of Lord Salisbury at the present time, have to take office at a couple of days' notice.

In 1874 Mr. Gladstone was supposed to have exercised the power of dissolution without consulting his colleagues. There are reasons now for doubting that statement. In his speech in the House of Commons after the elections, Mr. Gladstone took occasion to hint that he had a principal though not exclusive responsibility for the dissolution. The announcement was made publicly on a Monday, but was known to the management of the London "Spectator" on Friday evening, and was mentioned in its issue of Saturday. Mr. Gladstone therefore must have consulted and must have trusted somebody.

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The vote of the people was adverse to him, and, following the example of Mr. Disraeli, he resigned office before the House met. On the meeting of the new Parliament, complaint was made by a private member regarding the sudden dissolution; but there was little debate and no division, and the power of putting Ministers out of office passed more completely than ever into the hands of the people.

In 1880 Mr. Disraeli, feeling after six years of power that he might be still strong enough to go to the people, dissolved Parliament. The announcement on this occasion was made to Parliament and was carried into effect after the Chancellor of the Exchequer had made his financial statement. The result was fatal to Lord Beaconsfield. We all know now that the confidence with which the Conservatives went to the country in 1880 was ill-judged, and was not wholly shared in by Lord Beaconsfield. The secession of Lord Derby and Lord Carnarvon had weakened the Administration by giving an air of adventurousness and danger to the foreign policy from which these types of "prudent" statesmen dissented. Sir Stafford Northcote tells us that the publication of "Endymion" had injured Lord Beaconsfield in the eyes of the Nonconformists. The Irish electorate was strongly organized on hostile lines. Mr. Gladstone's tours in the country had roused much fervor for the "Grand Old Man." And the end, as we have said, was the defeat of the Conservatives.

In 1885 there was another change. Foreign affairs are always dangerous to Liberal administrations, which are too apt to be influenced by commercial considerations of immediate importance, and by humanitarian considerations which are often of no importance at all. The great Powers had become unfriendly to Great Britain. Khartoum had fallen, and Gordon had been slain; and public feeling had not been improved by the insinuation that the man whom the Tories called a "martyr" was only a madman after all. Lord Randolph Churchill, with a furious zeal, was making successful attacks on the Administration. Finally the Ministry was defeated on the characteristically British item of the duty on spirits and beer, and was forced to resign. The dissolution took place in the autumn, and was followed by a boisterous campaign. All the elements of Liberal agitation were roused to fury. Radical pledges of "three acres and a cow" to every agricultural laborer were scattered. Home Rule for Ireland, though not actually on the official programme, was pledged in many places. Mr. Gladstone kept himself free from pledges of any sort till it became obvious that pledges of some sort were required to

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put him into office. The Conservatives clung to office very properly for some months, till in fact Mr. Gladstone found a sure opportunity of overturning them by counting on the vote of the Irish members *en masse*. Then he gave the necessary indications of his "life-long convictions" in favor of Home Rule, and the Conservatives were defeated in the House of Commons on January 25, 1886, by a majority of 79, 74 being Irish members.

On February 6, 1886, Mr. Gladstone was again Prime Minister. The secession of the Liberal Unionists, which will probably form an important event in British politics, now began. Lord Hartington and Mr. Chamberlain, in refusing to follow the lead of Mr. Gladstone in Irish affairs, rendered his most strenuous labors in that cause useless, and in the end put a period to the power of the Liberals. But unless the alliance is cemented by stronger ties than appear to exist, the same influence may, as the result of the same differences of opinion and object, put an end in turn to the power of the Tories. Lord Salisbury and Mr. Chamberlain have each much to ignore and forget before there can be absolute alliance between them.

The life of the new Ministry of 1886 was short. Taking office in February, it was defeated in June, on the second reading of Mr. Gladstone's Home Rule Bill, by a vote of 343 to 313, a majority of 30. The Unionist Liberals mustered 93 in the division lobby, and thus asserted a power which could no longer be denied, and which Mr. Gladstone has not been able, except in a few cases, to conciliate. The defeat was followed by a dissolution; and the majority of the Tories was increased to 113 in the new House of Commons.

The stormy career of the Conservative administration will not soon be forgotten. The early portion of it was marked by the dazzling career of Lord Randolph Churchill, as leader of the House and Chancellor of the Exchequer, and by his disastrous resignation a few months after, which gave the first sign of a mental deterioration which had its final issue in his melancholy death. Later on, after an interval of safe mediocrity in the leadership of Mr. W. H. Smith, Mr. Balfour came to the front as Irish Secretary, and has since maintained, by sheer intellectual power, a lead which must end in the Premiership. The startling events which led to the Parnell Commission, the agitations in Ireland, and the Bering Sea controversy, were the most memorable events of the Conservative administration. An Irish Local Government Bill was carried in the House to a second reading, but dropped at that stage in view of the general elections;

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and an Agricultural Holdings Bill, intended to encourage the creation of small freeholders in England, became law. The majority of the Government having been reduced by defections and by elections, and Lord Salisbury having made fervent and even furious appeals to the Ulster vote, which was his already, Parliament was dissolved at the end of June, and polling began on July 5, 1892.

The first day's polling resulted in a Liberal gain; and at the end of the fight the Gladstonians had a majority of 40. The fact that England itself elected as many as 197 men pledged to Home Rule was very remarkable. There was indeed a majority of 71 against Home Rule in England; but the wonder was that out of 465 members the majority should have been so small. Lord Salisbury did not think the majority against him so conclusive as to demand an immediate resignation and he determined to meet Parliament in due course. A motion of want of confidence was moved by Mr. Asquith, and after three nights of memorable debate the Gladstonians carried it by their full majority, and Mr. Gladstone was again Prime Minister.

To have carried on the business of Parliament with so small a majority for three years shows great capacity and considerable luck; and the wonder is greater when we reflect on the exceptional character of some of the measures introduced. To have passed a Home Rule Bill through the House of Commons; to have inaugurated a dangerous agitation against the House of Lords; to have suffered the loss of Mr. Gladstone; to have borne up so long under the unpopularity arising from a decaying agriculture and an increasing want of employment among the operative classes even in the manufacturing towns; to have withstood the intrigues and aggressions of the Radicals during the whole period—these things show that there was a reserve of strength and skill and statesmanship among Mr. Gladstone's and Lord Rosebery's following. Lord Rosebery carries that reserve into opposition, and we may look forward to a short period of active parliamentary tactics followed by a fresh change in the Masters of the Empire. The days of long Administrations seem to have passed everywhere. In an empire so wide these changes do not seriously affect the interests of the people at large. To an inhabitant of the Roman Provinces it mattered very little whether one Emperor or another reigned in Rome. To a citizen of the British Empire it matters not much in Vancouver or Australia whether Salisbury or Rosebery holds the helm of state at Westminster.

MARTIN J. GRIFFIN.

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UNSANITARY SCHOOLS AND PUBLIC INDIFFERENCE.

THE public schools have always been a fascinating subject for me, and I was therefore much pleased when I was appointed secretary of Good Government Club C's Committee on Public Schools of New York. The province of this committee, as a body, was simply to investigate and report on educational matters in the Twenty-second Ward, but our individual explorations were carried into a more extensive territory. Thus most of the city schools have come under the personal observation of the committee. The best and the worst examples were visited, presenting a descending scale, from the excellently disciplined No. 45 in Twenty-fourth Street, and No. 67, a superb structure in Forty-sixth Street, to the wretched accommodations for 768 poor children who are instructed over the offensive live-chicken market in Essex Street, and the dark, unfurnished rooms in Allen Street where the pupils study on their knees. The chairman, Dr. Taylor, and I journeyed together, and considered the condition of affairs from the physician's standpoint, viewing the schools both externally and internally, and spending from two hours to an entire day upon each one visited.

Externally, most of the schools appear well enough; though it must be confessed that many windows are darker with dirt than an orderly housekeeper would permit; but, with the hundreds and hundreds of panes, it is almost impossible for the janitor to keep all constantly polished. Still this is an important matter, for any diminution of light causes more or less strain on the many eyes within. The front walks and approaches are fairly well kept. Architecturally the buildings are formed like the capital letter "I," single or duplicated. The disadvantages of this construction are plain when one enters the yards between the front and rear, finding oneself in something very similar to a large square well, with a urinal and water-closet at its bottom, and with its fourth side usually closed by a tall tenement running from wing to wing. In such courts the children take their runs in the "fresh air." The play-rooms are under the main building.

At present, the new annex to No. 58 in West Fifty-second Street

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is being walled in by a row of tenements. No. 17, in West Forty seventh Street, has its rear rooms so darkened by the proximity of such tall houses that, except on the brightest days, gas must be burned in the Primary department, adding its impurities to the atmosphere and exhausting the oxygen from an air-space already too meagre. No. 84 has for its neighbor a sausage-factory and smoking-establishment. Several others derive their ozone from winds which necessarily blow directly over abutting stables, and No. 58 raises serious objections to the noise and sights in the rear yard of a veterinary college. The law regulating the distance of liquor-stores from schools must be a dead letter, for in the Twenty-second Ward it suffices to mention that Nos. 69, 58, and 67 all have saloons just across the street,—the latter, in Forty-sixth Street near Sixth Avenue, having three within a very short distance.

The yards are paved with stone or concrete and are damp, because the sun is partially or totally excluded, and the chilly vault-like sensation that comes over one promises to make good the old Spanish proverb, "Where the sun never enters, the physician must." In out-of-the-way corners small mounds of ice and snow were found; these, gradually melting, caused small streams that trickled across the pavement to the cesspool-opening and evaporated on their course, thereby increasing the moisture in the air. At one side of each yard may be seen the closets, and, in boys' schools, the urinal. These are ventilated by skylights and by long galvanized pipes running to the roof of the main building. The west closet in No. 17 has a brick chimney-ventilator, built only a little higher than the next house instead of being continued above the school itself. It is quite evident that, with our prevalent west winds, the air emerging from its top must be blown directly across the yard and into the upper class-room windows. The floor of the urinals is made of stone or slate and is constantly wet. I have never seen any attempt made at swabbing the floor, and so I conclude that the usual practice is to let it alone until it dries, or at any rate until after school hours. The janitors assert that it is perfectly useless to try to prevent this evil. Every boy who passes into one of these places must return to his class-room with the soles of his shoes soaking, and must let them dry as they will. In the water-closet there is an automatic "Mott" affair, which is supposed to cleanse itself by flushing at intervals, varying according to the amount of water furnished. Often the troughs are dry, or are washed out imperfectly and infrequently. They are constructed of

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enamelled iron; but the enamel is worn off in spots, leaving roughened and oxidized surfaces which produce a chronic state of filth. Inadequate water-supply I found very general, due, in some places, to the peculiarity of the closets themselves, and in others to the fact that the same pipe supplied both building and closet and was too small for the work demanded.

No. 17 possesses a closet over a tank which is filled by a faucet and emptied by the janitor every day. This is crude and old-fashioned, but it is less of an eyesore than the rusty, scaling, enamelled, and soiled conduits of the expensive "automatics." No. 67 is a new school, the closets of which have been recently completed. The troughs are dry and present patches of *fæces*. In No. 58 the west yard closets have just been finished and do not clean themselves. To sum up, I have not found a single closet in good order. The general impression among sanitarians and plumbers is that the "automatics" are intrinsically wrong, and that they should be discarded. The sum of $110,000 is asked this year for sanitary work in old buildings, but we found that the new ones required quite as much renovation. It would be good economy to establish these matters rightly in the first instance and cease the endless tinkering now going on. A first-class sanitary engineer, with a proper appropriation, would be a valuable addition to the Board of Education; but we must never lose sight of the idea that much of the present disgraceful condition is due to the fact that the public never sees and consequently makes no fuss about improper school sanitation.

The play-rooms are usually board-floored rooms running under the schools from the janitor's apartments in front to the rear wall. These rooms require ceaseless vigilance to maintain them in presentable condition. Scraps of paper, portions of lunches, and the dust from hundreds of shoes, are carried in and dropped. On seeing one of these floors swept, it is hard to believe that it has been carefully cleaned once or oftener within twenty-four hours. A few schools have galvanized cans standing in accessible places, and the children are drilled into such neat habits that nothing is thrown down haphazard. The cleaners say that the rooms are appreciably cleaner since the advent of the new Street Cleaning Department. Less mud is brought in, and less dust blown in. The difference is so great as to be marked in the dust-pans, but the cloud that rises from sweeping is still appalling; it escapes, rises, and enters the windows, diminished in volume, but deleterious to inhale and sufficient to make pupils cough. It

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can be mitigated by sprinkling, but the sun only glances over a few square feet, and if the floor is sprinkled every day the dampness becomes equally mischievous.

The janitor's apartments are usually on the ground floor, and a disadvantage in having a family living in the school building is the necessity of closing the entire institution in case of contagious disease in their quarters. On the whole it is desirable to have the janitor live elsewhere and enter the school on business only. In the eyes of the Commissioners the janitor appears to be a more important personage than the teacher. A trustee can dismiss a teacher; but it requires both inspectors and trustees to turn away a janitor. I was told of instances where the janitor made it uncomfortable for painters, steam-fitters, and carpenters by refusing to open the door, by disturbing tools and utensils, and in many petty ways, until a *douceur* was tendered. In many schools the metal tops of steam radiators are missing. No. 17 has but few left. I had the curiosity to ask a helper where the tops were. He replied with a broad brogue and subtle wink, "Ask the two J's, the Janitor and the Joonkman." The janitor also has his troubles. He complains about the grain-scoops substituted for coal-scoops—and about the glued brushes (which fall apart with wetting) furnished by the "Supply Committee," instead of good wired articles.

The visitors' staircase is fireproof only in the newest schools, and our Committee was so struck with its insecurity and the general rattle-trap character of everything in No. 17, that we all felt that the building should be torn down and replaced by a modern structure before a holocaust startled the city with the number of its innocent victims.

I now come to the internal arrangements of the schools. We were usually ushered into the "assembly-room" and into the presence of the Principal. This assembly-room is either on the top or the third floor in the Grammar department, and on the second floor in the Primary department. It is occupied by four or more classes of from 50 to 70 pupils each, only partially separated by curtains. Aside from the unsatisfactory results of instruction when the scholar hears the voices of several teachers simultaneously, these curtains are veritable fomites. Many children in the early stages of scarlatina, diphtheria, tuberculosis, and other contagious and infectious diseases, have sat within these cloth enclosures. The screens should prove a mine of micro-organisms on bacteriological examination. With the great tenacity of life which scarlet-fever poison possesses, it would be

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difficult to imagine better storehouses than these porous woollen walls. The furniture is only fair. Its position could be and should be changed in many rooms, where the cross-lights are very trying even to the casual visitor. Sometimes light is admitted from the left, sometimes from the right, and occasionally from the front. The consequence is that normal eyes are becoming the exception. Ample blackboard space, for good class drill, is seldom seen. Many boards, supplied for a room containing 50 or more pupils, do not exceed two or three square yards of total surface, though occasionally they are large enough to permit half a dozen to work at once. The pencils and paper are satisfactory only for part of the session, the principals and teachers complaining that supplies and stationery which are fair from September to January fall more and more below the standard of the samples furnished from January to July. The unclean slate and sponge are disappearing from the higher grades. The Primary scholars still expectorate to moisten sponges, lick their pencils, and go through other very unsanitary performances. The children's wraps in No. 17 are hung up in several class-rooms without covering. If wet, they remain so, as they are placed one over the other. There is always present a possibility of infection.

The children have pale faces. They are so anæmic that sunlight seems a crying need of city civilization. They leave the school at three o'clock, and it would be merciful in the short winter days to avoid lessons to be learned at home. Either abolish text-books and have the teaching wholly didactic, or have all study performed at the school. Most teachers will accept this suggestion, as they know by long experience that anything conned away from their supervision must often be unlearned with labor and pains. Give the children more fresh-air, and their bodies and brains will improve together. At present the appearance and health of the little ones are just what might be expected from growing children whose play-ground is a species of unsanitary cellar. They are overcrowded also. The allotted air-space is from 70 to 100 cubic feet for each individual according to size and grade. This is too limited and should be doubled, or even trebled in those rooms so dark as to require several gas-lights. It is no marvel that children are bleached, pinched, delicate, and bloodless, and in condition to yield to the onset of either pulmonary or osseous tuberculosis.

The overwhelming applications for admission to some of the schools have necessitated putting three scholars on two seats. Be-

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tween the chairs is a separation of 2½ inches, and the child in the centre often acquires a *prolapsus ani* or a crop of hæmorrhoids. This was tried in No. 51 in West Forty-fourth Street, and in No. 46 in St. Nicholas Avenue. Orders have now been issued forbidding the practice because of its results. Owing to the shrinkage in accommodation the youngest applicants are forced to remain out; and No. 94, last session, refused 506, of whom only 28 were under six years of age. As a sample neighborhood consider Fifty-eighth to Sixty-eighth Street from Eighth Avenue to the Hudson River. The schools in this district are No. 41 in West Fifty-eighth Street, the parochial school of the Paulist Fathers in West Fifty-ninth Street, and No. 94 in West Sixty-eighth Street. All are overflowing, and the children of Eleventh and lower West End Avenues have no school whatever and are acquiring their education in the streets. A large Primary school somewhere on West End Avenue is urgently needed for the thousand or more little ones who cannot be taken into the other schools. The lots are still vacant, and the children are growing up in evil and ignorance because of that waiting policy of the Board of Education which caused it, in Fifty-fourth Street, finally to pay as much for one lot as it needed to have done for three a few years previous. It is not pleasant to think of the stables, sausage-factories and pie-bakeries, nor of the tall tenements that shut off light and air, when a very small outlay could have secured ample adjacent property; yet even in the light of past experience little or nothing is being done to prevent a repetition of the same nuisances.

As regards books, the curriculum appears to be changing, and teachers are looking forward to better things. New text-books are being prepared; but one on Physiology has caused a small tempest of opposition. It seems to deal finally with doubtful questions, as they all do. Articles on "Alcohol," "Opium," and "Tobacco" are written with a distinctness and plausible exactitude surprising to a physician who in his daily clinical experience has seen almost every extreme positive statement refuted. Abuse of any or all three is mentally or morally ruinous, sooner or later; but I should long hesitate before settling definitely for all people, under all circumstances, what constitutes use or what abuse, and I could never truthfully state that all are unqualifiedly bad. The plates in previous works adapted to common-school use have been very deceptive, so much so that a whole class once told me that the femoral artery was larger than the

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biceps femoris. The teacher supposed it to be about the size of a "garden hose"! Let us hope that the work finally adopted will be accurate in text and illustration, and not teach facts which the child in a few years will discover to be false.

The schools are under the direct supervision of the Board of Trustees of the ward. This method of government originated when Manhattan Island was a series of small villages, but in this day of rapid transit and telephonic communication it appears out of date and needlessly cumbersome. At present there are only eleven schools in the first six wards of New York, yet twenty-eight trustees are appointed to watch over their interests. The Twelfth Ward alone has twenty-three schools, and five trustees are deemed adequate. The Third Ward has no schools at all, yet it has a board of four trustees who meet the last Thursday of every month at the address of its chairman. They are supposed to assemble in a school-building. In this case the building is lacking, but the Board is in evidence. They must have expenses. What can they find to do? Is it enough to warrant the city in purchasing one postal card for them? The Annual Report of the Board of Education gives the rather surprising information that a teacher's salary of $145.83 was paid in this ward last year. The trustees all serve without pay, but that they receive no perquisites is at least open to doubt. Expenses are charged to the Committee on Supplies, and it is difficult to discover the actual cost of maintaining this antiquated system. The positions are sought by men with political influence who are not as a rule anxious to give time and services for nothing. In response to personal inquiry they have told me that "their office is an honorable one," and that "it is a stepping-stone to something higher." I soon learned that men feared their power and dared not openly corroborate assertions frankly made to me in confidence. Rumors came to me (with names) of money paid by teachers, painters, carpenters, plumbers, and especially steam-fitters, to secure appointments or work. Our committee found that when a school changed its trustee the various repairers were changed with him. Expenses for buildings, furnishings, heating-apparatus, rents, etc., for last year were $1,500,000,—"sundries" amounting to $30,000. The trustees have power to pay any bill of less than $200 without a written report. They have also the distribution of patronage and the power of appointing and removing teachers. The arbitrary nature of their rule is shown by an instance, occurring under my own observation, from which I first learned that Civil Service

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rules had nothing to do with our school system, and that merit, ability, and long and faithful service were easily discounted by plain "pull." The trustees of the Twenty-second Ward are composed of three Tammany men, one Democrat, and one Republican. On any important matter there is a 3 to 2 vote. One of the trio, to pay off a political debt, nominated a certain teacher for the Principalship in a Primary department. The nominee had no experience in Primary work, whereas the rightful claimant had devoted twenty-five years to conscientious labor in that field. The Democrat and Republican brought in a minority protest. The whole scheme seemed so unjust that the Commissioners refused to confirm the nomination. Then the three conspirators indorsed another candidate, apparently on religious grounds. This second unfair arrangement failed. As a last resort they resolved to make transfers and changes,—a political shuffle by which the apparent victor was to become a victim. Meanwhile some new Commissioners had been appointed, who, learning of the true state of affairs, caused the trustees a very unpleasant quarter of an hour.

How can all this be improved? A good corps of window-cleaners going from school to school could improve the illumination of the rooms if they were held strictly accountable for their work and its results. It would be wise to secure adjoining lots now, for every school, even if the buildings that deprive the yards of sunlight and purifying winds must be torn down. The automatic water-closet should be removed, and some clean, economical, sanitary apparatus supplied, and the defects in ventilation should be remedied. The needs of the schools are the result of twenty years of neglect, and are so numerous that it is difficult to select the most urgent. Perhaps the most obvious is an asphalt pavement before every building. Our chairman wrote to the Department of Public Works about this, and learned in reply that nothing could be done for one school at a time, but that when money was supplied for fixing all, then all could be done at once. I have seen one teacher made voiceless and many made hoarse by the constant shouting necessitated by the sounds reflected from opposite buildings into the open windows during warm weather. If one stands on the front sidewalk the noise is not so intense; but in the front class-rooms of No. 94 or No. 41 one cannot make oneself heard at a distance of ten feet during the passing of a laden truck or rattling grocer's wagon. Ordinarily one cannot find ten consecutive minutes during school hours when the

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maddening hammer, crash, and bang are silent. As the normal eye is being dimmed by bad lighting, so the normal ear is being blunted and the normal voice ruined by harmful and unnecessary noises, to say nothing of the increase of nervous diseases from the same causes. The school yards should be paved with asphalt, less on account of sound than as a protection against dampness. Asphalt is much drier than stone or concrete,—that is, it is not such an accumulator of the water of condensation. Enough schools should be erected to do away with the necessity for any classes in the assembly-room, and its curtains. In every building there should be plenty of well-ventilated clothing-closets in the halls, enough to furnish each pupil with a separate peg or rack. The furniture should be arranged with due regard to light and to the size of the pupils. In a case reported by Dr. Taylor, a young girl was brought to him with a lateral spinal curvature. On questioning her he discovered that her classroom was furnished with small desks,—a whole grade of young women being seated and working at desks which made an upright position impossible. The Principal, acknowledging the justice and frequency of complaints, said that the matter could not be remedied, and the girl had to be removed from school. It would seem a small thing to ask for a change of furniture if the ruined health of growing women is the alternative.

More attention should be paid to the bodies of the pupils. The so-called "setting up" military exercises just being introduced are most excellent, and their widespread use is to be commended. Calisthenics for girls are excellent for the carriage and general development, and some system like the Turners' should be part of the daily routine. It would seem very natural to consult the teachers in regard to what books are best for their work, and to have them make written suggestions of improvement, without fear or favor. But how can the authorities have any regard for their opinion, when it is manifested every day that the parents are quite indifferent as to what is being taught? Principals are allowed three days in each year for the purpose of visiting other schools in the city to study methods of teaching. If this rule could be modified so as to permit visits to other cities, a shaking of dry bones might result.

To sum up, our Committee, after careful investigation, felt warranted in bringing in a report that "the educational standard of New York is not at all on the level sought, nor even on a par with the attainments achieved in other places." In this, as in our late Police Department, we have been too long deceived by the sooth-

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ing thought of having the "best in the world." This deception has been possible only because of public ignorance and neglect. If one question should be of surpassing interest to every parent, that question should be the Public Schools; for two reasons: (1) because the children attending are the children of the people; (2) the schools are making the citizens of the future, and the influences of the building on the physique, and the teacher on the mind, are apt to be underestimated. We rely too much on home training. Important as this is, it must be borne in mind that many of our city children have no home life whatever, and others would be better without such as they have. Taken at its best, the home chiefly teaches the private conduct of the parents, but the school gives the young child's mind its first experience of the dealing of the individual with masses, which we adults call citizenship. The child may be monarch in some homes; but in the school he finds himself a subject with very serious responsibilities. Though this fundamental change may be going on all about us; though future characters are being made or marred by thousands every day; though the next generation of New Yorkers are being made near-sighted, deaf, crooked, and hysterical, and though they are compelled to inflate their lungs with a germ-laden atmosphere redolent with emanations from soiled clothing, stables, and unsanitary plumbing,—yet the absence of interested and protesting spectators is solemnly impressive. It would seem as if no father has sufficient forethought to personally inspect his offspring's surroundings and tuition; for I have examined the Principal's register in many schools over long periods, and found scarcely a single name recorded, excepting of course the trustee's signature, though sometimes not even this. Principals and teachers are uniformly cordial, and complain of the coldness and indifference of the public. It does seem as if many abuses are fostered by the secrecy possible when none of the multitude who daily pass the doors ever turns aside and enters. I am sure that if people would only examine for themselves, every man and woman would be honestly indignant to find that his or her children are compelled to pass six hours a day for six years in such wretched places for the body and under such dwarfing influences for the mind. One would think that any human being would be roused to a righteous and ungovernable resentment when he saw his own flesh and blood and his pocket-book both abused,—but verily the depth of patience possessed by New Yorkers is inscrutable.

DOUGLAS H. STEWART.

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METHODS AND DIFFICULTIES OF CHILD-STUDY.

THE possibility of utilizing the nursery as a laboratory was suggested by Preyer's record of the first three years of his boy's life. The chronological table of development which his American translator appended to the volume serves as a model by which the watchful mother may follow her own baby's mental progress in similar lines. Many of the little every-day incidents of the baby's life which Preyer recorded as worthy of note are those that universally furnish topics for conversation between youthful parents: the baby's first smile; its dawning recognition of the members of the household; the pleasure shown at its own image in the mirror; and its assertions of independent dignity. These, standing in their place in the time-order of the child's expression, serve as steps to indicate its daily widening mental horizon.

The facts to be revealed by a close study of child-life are assuming increasing importance in the belief of specialists in Psychology, Pedagogy, and Anthropology. It behooves intelligent mothers, whose opportunities are unrivalled for furnishing data to scientific inquiry, to acquaint themselves with the lines of research and the methods of experimentation now being carried on. To establish the existence of *laws* of development, immense numbers of observations must be secured; and it is only by the wide co-operation of competent observers in the nurseries that the boundaries of knowledge concerning the earliest manifestations of human emotions and intellect are to be enlarged. The witless, senseless little being who at birth has been fitly termed "a spinal-marrow phenomenon," is from the very outset of its career a subject for study and observation. Preyer writes: "Before methodical instruction begins, during the time which belongs to the child's mother, no tutor speaks a word; but precisely then the bud is unfolding. The child's brain grows as much in the first year as in the whole of its after life."

Before committing one's self to the task of recording observations on a child's development, there should be in mind a somewhat clear conception of the significance of the work and its probable value to

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the recorder. To jot down a number of irrelevant facts one may from time to time observe in a growing child will be of little benefit to either the writer, the child, or the expert. In stating this proposition it is assumed that the work is to be carried on by one not prepared by special training. Obviously, the professional psychologist, pedagogue, or anthropologist will have his individual theories which he wishes to put to the test, and will formulate his own series of experiments. The remark is addressed to the conscientious mother, who, possessing a strong desire to fill to the full the rôle of motherhood, suspects, from the suggestive title, "Child-study," that there lurks within it some vantage-point of knowledge from which she might more intelligently direct the course of the mysterious potencies committed to her charge.

This surmise is to a certain extent true, for no one can closely watch the actions of a child's mind without coming to a clearer understanding of its limitations, at least, and thereby be better able to enter into the difficulties of the problems with which a child must grapple. Child-study must not be conceived of as a royal road to wiser discipline,—at least not as a lightning calculator of moral problems. It is as a science—building itself up, like other sciences, by the slow accumulation of innumerable facts—that child-study is to put forth its revelations. It is a research, from the very nature of the subject, more difficult and more complex than other studies in exact science. The infant specimen does not lend itself graciously to quiet manipulation; the very hubbub of the ordinary nursery is in itself disastrous to orderly scholastic habits. The hundred and one vital demands of babyhood obtrude themselves at inopportune moments and blur the details of some observed phenomenon before the time can be seized to record it. Particularly is this the case in making note of the child's growing vocabulary of sound. Unusual zeal and persistence are needed to meet the unusual conditions.

Again, as Professor Sully observes, "the very excellences of maternity are a hindrance," for the mother-mood is apt to be too prejudiced to state facts in their unvarnished simplicity. If maternal instinct is to be a bar to unbiased observations, surely our Eastern States can furnish a satisfactory number of substitutes in maiden aunts, who may invade the nursery with the consciousness of their superior qualifications.

The best record of an individual child made in this country has been by Miss Millicent Shinn, of San Francisco. Extracts from her

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notes upon the growth of her niece's mind, which have been published by the University of California, are serving as text-books in the normal schools of Illinois and California. To one who begins a record of baby-life from the standpoint of a novice as regards psychological literature, Miss Shinn's books ("Notes on the Development of a Child" [1]) will be found full of suggestive experiments. Her own lack of professional training for the task makes her method intelligible and her generalizations readable to the average mother. Miss Shinn's surprise at the recognition her work has received at the hands of experts best expresses the simplicity of her motives and the value which a systematic, trustworthy record of child-development possesses for modern psychology. She wrote:

"I had no idea of doing anything of a serious value myself. I was absorbed in the baby and took notes for my own pleasure and instruction, and was much astonished when I learned that no set of notes as copious and complete was known of in this country."

Beyond a thorough reading of the two volumes of Preyer's "Mind of the Child," [2] Miss Shinn began her work without other special preparation than a warm affection and deep interest in the particular subject of her study. To turn the pages of her note-books will be a revelation to many a mother whose nursery has bloomed with numerous specimens of budding humanity without her suspecting the significance of the thousand cunning and seemingly capricious ways of babyhood.

There are three methods of pursuing child-study which may be taken up with more or less beneficial results by one not specially prepared by previous training. The first, which should be classed as an anthropological study of childhood, would follow such a line of investigation as Galton has indicated in the "Life History Album." [3] It is presumed that the album will be started for each child at birth, and that until the close of school life the parents will register systematically the observations called for: by that time the owner will probably find his life history of such interest and value that he will continue the record himself. A brief summary of the headings given under the general directions for using the book will outline the character of the study. *Genealogical record.*—A carefully pre-

[1] University of California Studies, Vol. I., Nos. 1, 2.

[2] Appleton's International Educational Series.

[3] Published under the direction of the British Medical Association. London: Macmillan & Co.

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pared family medical history should serve as an introduction to the life story of the individual, since most diseases are hereditary, some markedly so. A record of predispositions, it is claimed, makes it possible to guard against some illnesses and successfully treat others. *Description of the child at birth* calls for its weight, length, girth at the nipples, color of eyes and hair, etc. A similar anthropometric description is to be given at the close of every five years, adding to the list, after infancy, the strength of pull, and acuteness of hearing and vision; and, to secure a general standard of measurement of these latter, definite experiments are given. The importance of frequent observations on height and weight, it is stated, is much greater than is generally supposed; for the period of rapid growth is the period likewise of greatest danger to health, and it should be noted carefully in order that undue exposure or fatigue may be avoided. Weight has even greater significance as a health factor. A suddenly arrested increase of weight or a gradual loss often occurs before any other symptoms of disease can be detected, and may be the first to signal an alarm. Charts for mapping out the proportional gain in weight and height for every five years are given. Under the term *Life history* some eight or nine points are proposed for record—such as occupation, recreation, sleep, food, residence, etc. The *Medical history*, it is suggested, should be filled in by the family physician, who should be directed to note such important points in his dealing with the case as special physical signs and any idiosyncrasy in the action of the drugs administered. Two pages are left at the close of each successive five years for the insertion of *Photographs*. In this age of the household camera it would surely be possible to carry out minutely the suggestions as to pose and size which Galton considers requisite for scientific value.

The value of a systematic record of this kind will be increased by its continuity as a family habit; one generation adding its testimony to another, till the mass of evidence may prove sufficient to assist in tracking out the laws of heredity and environment. Sir Francis Galton says:

> "If there be such a thing as a natural birth-right, I can conceive of none superior to the right of a child to be informed, at first by proxy through his guardians, and afterward personally, of the life history, medical and other, of his ancestry. The child comes into existence without any voice in the matter, and the smallest amend that can be made him is to furnish him with all the guidance possible, including the complete life histories of his progenitors."

The second method of taking up the study is to focus the atten-

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tion upon one or two phases of development, either physical, emotional, or intellectual. A particular subject minutely watched cannot fail to yield fruitful results. At the very threshold of life, the special study of motor ability may begin by noting the baby's changing and growing power of muscular action. It will be with eager interest a mother will watch the aimless gropings of the impulsive stage, the reflex and instinctive responses to stimuli, till the day when the first intimations are given of self-directed volitional movements.

The gratification in a work of this character is purely intellectual, and one's results can have a value only as a contribution to a series of similar observations. To be sure that the material collected can be utilized, it is wise to accept the suggestion put forth by the National Association for the Study of Children,[1] which offers to place its members in correspondence with expert workers, or be guided by the syllabi which President Hall, of Clark University, has recently issued upon the topics Anger, Dolls, Toys, Crying and Laughing. Any one of these subjects can be followed up with the minuteness suggested in his plan of study by a mother who conscientiously jots down the daily drama of nursery life. Unless one believes that purely altruistic efforts in behalf of science bring their own reward, there is little tempting in this study. The factor of personal gain must be eliminated. Views as to corporal or non-corporal methods of discipline will not be in the least clarified, nor will there be a perceptible forward stride in ability to judge of the relative merits of educational systems. If the work has been carried on conscientiously, the observer will have the satisfaction of having contributed her quota to the building up of a conception of childhood based on actual knowledge of its laws of progress. The perplexities of this generation may, by the aid of the clearer light secured, be solved for future parents.

The biographical method, which can be suggested as a third, requires at least a slight acquaintance with recent psychological literature, enough knowledge of the technical nomenclature of metaphysics to classify the facts observed, and a careful reading of the work already published in this line by Preyer, Hall, Shinn, Tracy, Baldwin, Comparyé, and others. Every observed fact by this last method may become a subject for record if placed in its time order. It will materially assist the task of compilation if the record-book is

[1] The Association can be addressed through the Pedagogical Seminary, Clark University, Worcester, Mass.

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broad-leaved enough to admit of a wide margin, so that the proper classification as well as the time-data of the fact observed can be written at once. Such a book readily admits of indexing, or one may follow up a specific topic chronologically without trouble. The dangers which beset those unused to scientific investigation by this last method are so many that it must be held accountable for the scanty results which have thus far accrued.

As long ago as 1881 the American Social Science Association, through its Committee on Education, undertook to promulgate the doctrine of universal child-study. The enthusiasm with which their suggestions were received promised a rich harvest, but, apart from the inspiration given to a few isolated observers, no effectual work was accomplished. Upon the supposition that college-bred women, especially, would find a congenial task in wringing an intellectual contribution out of the midst of daily duties, a series of suggestions were prepared by a committee of the Association of Collegiate Alumnæ to serve them as a guide in note-taking. The points indicated on the first of the four schedules were physiological, and were intended for babies under six months. Sight was subdivided into Staring, Fixation, or Noticing, Perception of Approach, and Coördination of Eyes. Grasping was divided into the topics Reflex, Carrying to Mouth, Semi-Grasping and Grasping with Desire, Thumb-Position, etc. The second schedule, still physiological in its nature, followed the motions of the baby from its first efforts to hold up its head, on through the various stages of Sitting, Rolling, Creeping, Standing, and Running. Notes on Fear, Anger, Affection, and Compassion were suggested as possible clues by which to follow up the emotional nature, while Will, Attention, Memory, Imagination, and Language were proposed as topics for noting the intellectual development. The temptation to follow temporarily first one topic and then another, to the lack of thorough mastery of any, proved seductive even to those whose training had prepared them to grasp the significance of scientific methods. Two years' experience with the working of schedules of this character led those in charge to emphasize, in their recent circular addressed to college mothers, the fact that the biographical method was more particularly adapted to children under three, as the elemental racial characteristics of babyhood are more easily followed in their development than the more complex and subtle expressions of individuality shown when the child has mastered speech. In view of the fact that a cloud of mystery still veils the impulses to emo-

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tional and moral expression in childhood, it is well not to speak discouragingly of random wanderings with note-book and pencil into any pathway; for by chance one might stumble upon some correlation of facts that would never have been laid down for investigation in a cut-and-dried programme of inquiry.

The possible stimulus to be gained by the association of workers into classes or sections for the study of child-life is counteracted by the equal danger that, unless in competent directive hands, the interested mother will find the contributions offered so alluring in their appeal to her personal reminiscences that the "study" hour will degenerate into an "experience meeting" of more or less hap-hazard a character. It is a severe strain upon maternal instinct to repress a comparison of the individual Jennie's and Johnnie's remarkable qualities.

The proper guides for the scientific study of childhood are the guardians of the spirit of research and investigation in all other departments of knowledge, our colleges and universities. Professor Chrisman was probably unaware, when his article appeared in the February (1894) number of THE FORUM, pleading for recognition of child-study (Paidology) in our colleges as an important branch of the family of "ologies," that the University of California had taken an initial step in this direction by assuming the general charge of the work carried on by members of the local Association of Collegiate Alumnæ. It is by such affiliations that positive results will be gained. The investigators will have before them the incentive to scholastic efforts in the consciousness that their work counts as a recognized part of the college curriculum, while the material they may gather will shed its light upon the problems of the laboratory and lecture-room.

It is especially fitting that the colleges which reserve their privileges exclusively for women should be the first to introduce the study of Paidology, since statistics show that either as teachers or mothers two-thirds of all their graduates assume the guidance of young intellects as their life responsibility.

Under the broad term Sociology, Domestic Sanitation has crept into the class-room of the Chicago University, so there is hope that this recognition of special training for special functions may serve as an incentive to Psychology to lend the dignity of its name to this inquiry into child-life.

ANNIE HOWES BARUS.

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THE CIVIL SERVICE AS A CAREER.

On January 16, 1883, President Arthur approved "an act to regulate and improve the civil service of the United States," which has become popularly known as the "civil service law," and thus gave to the ambitious young men and women of America their first official intimation of the opening of new opportunities in the public service for honorable and satisfactory careers. Prior to the passage of this law the civil service, particularly at Washington, had come to be considered as a haven for decrepitude and incompetence, as a means of tiding over a temporary period of misfortune, or as a secure and not uncomfortable retreat in which to wait for something to turn up. Though this impression, growing out of the traditions of the spoils system, was always unjust to the many competent and meritorious men and women who received public employment in those days, it was supported by far too many instances of the appointment and retention of persons grossly and notoriously unfit. As the friendly patronage of persons prominent in political life was the only available door to the public service, employment in it was naturally monopolized to a very large extent by those able to earn such friendship by political or personal service, or to whom a recommendation to office was accorded as the reluctant and charitable reward of persistent importunity. The same influences which controlled appointments also largely determined—though with honorable exceptions—the subsequent retention and advancement of appointees; and consequently even the most competent frequently found political influence—not rarely secured through pecuniary contributions—and personal necessity more powerful in securing promotion than diligence and capacity; while honest merit was too often forced to most humiliating importunity in order to obtain through favor what should have been the unsought reward of ability and industry.

There are two points of view from which the civil service may be considered, and from either such a system as has been described appears unsatisfactory in the extreme. The first and most obvious is that of the taxpayer, who is undoubtedly interested in seeing that

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the amount expended for government is so used as to secure the greatest good at the lowest possible cost. Naturally the capable and self-reliant youth of the country, even when not excluded by lack of sufficiently powerful friends, were repelled from seeking entrance to the public service when to do so was to subject themselves to such humiliating and revolting conditions, and the necessity of accepting public employment came to be regarded as a calamity, and the civil service as the last resort of incompetence. Thus public money was wasted in the support of useless official parasites, or paid to "heelers" as the price of corrupting the government and politics of those they were supposed to serve. The other standpoint, from which the system must receive equal condemnation, is that of those who, under better conditions, might have found in the government service an adequate field for their talents and industry. To this class the evil of restricting to a few—and those seldom among the most worthy—the right to enter the civil service meant a distinct limitation of opportunity. The United States government employs 204,039 persons, or about one in every one hundred and ten engaged in gainful occupations, and it is obvious that if there is to be equal individual opportunity such employment must not be monopolized by a favored class.

It is unnecessary to seek to determine which of these considerations had greater weight in securing the passage of the civil service law, but it is sufficient to note the radical nature of the change involved in legislation which provided, among other things:

> "That no recommendation of any person who shall apply for office . . . which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment."

In order to further carry out the principle that the claims of every applicant should be treated as "meritorious and strong in proportion, not to the influence behind him, but to the good character and capacity he tenders in his own person," it was immediately provided that no discrimination should be made by the appointing power on account of politics or religion, and that positions should be filled from among the four (since reduced to three) highest in standing on competitive examination. The departure from established precedent indicated in these provisions is so great that it is not surprising that many were skeptical regarding the sincerity of the reform; nor that its actual beneficiaries—the young men and women to whom it opened a new

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vocation—were slow in realizing its advantages. This is illustrated by the fact that although 13,924 places were immediately classified, and could be filled only by persons passing the examinations held by the Civil Service Commission, but 9,889, or 71 per cent, were examined during the first two years after the law took effect, while during the single year ending on June 30, 1894, 37,379 persons were examined, or about 85 per cent of the total number of places subject to the law.

The law was first applied to places in the departments at Washington paying from $900 to $1,800 per annum; places in the customs service having a compensation of $900 per annum or over, at ports where fifty or more persons were employed; and places in the twenty-three post-offices employing not less than fifty persons, paying not more than $1,800 per annum, with a minimum of about $600, but excluding laborers. On June 28, 1888, President Cleveland extended the rules so as to include nearly all officers and employees in the executive departments at Washington, except those whose appointment is required to be confirmed by the Senate, and those employed merely as messengers, watchmen, workmen, and laborers. The railway mail service was classified on December 31, 1888, adding 5,320 places to those open to competition. Other additions brought the total number subject to the law at the close of President Cleveland's first administration up to 27,330. On January 5, 1893, President Harrison directed extensions which embraced all free-delivery post-offices not formerly included, with 7,610 places; and the Weather Bureau, with 314.

Under the present administration 2,939 employees of the Internal Revenue Bureau; 1,527 employees at custom-houses; 868 messengers and watchmen; 2,267 superintendents and custodians of money at post-offices; and many smaller groups of employees,—making a total of 8,184,—had been placed under the jurisdiction of the Civil Service Commission prior to May 24, 1895. On the latter date what is probably the most important extension of the law which has yet been made was announced. As its result all positions in the Department of Agriculture, with its nearly 2,000 employees, are now subject to examination under the civil service rules, except those of the Secretary and Assistant-Secretary of Agriculture, and a private secretary to each; the Chief of the Weather Bureau, and his private secretary; the Chief Clerk of the Department, and his private secretary; and laborers and charwomen. In order to appreciate the im-

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portance of this change it is necessary to understand the scientific and technical character of the work performed in this department. Among the positions in which vacancies will hereafter be filled by promotion from the corps of expert subordinates, or rarely, when necessary, by special competitive examination, are those of statistician, botanist, entomologist, ornithologist, pomologist, vegetable pathologist, and chemist. The incumbents of these positions are naturally brought into relation with the best work of scientists in their special fields throughout the world; they have ample opportunity and money for research; and one who would as soon be remembered for adding to the world's store of knowledge as for acquiring private property might well consider such a position the reasonable goal of his ambition.

The great value of this change lies in the fact that it opens to the deserving the higher places which, in many instances, even since the adoption of the merit system, seem to have been reserved for the friends of those in power. It is understood that similar extensions are to be made in the other executive departments; and when this is accomplished, a young man entering at the lowest round,—say as a messenger at $600 per annum,—if he have ability, industry, perseverance, and patience, may aspire to any position short of those which must always be filled by persons in political sympathy with the administration, whose incumbents in fact constitute the administration.

The point now reached is that at which entrance to the public service in the lower grades is open to all having the necessary qualifications upon equal terms. The total number of places which could be filled only by competitive examination on February 21, 1895, was 45,706; by non-competitive examination, which is allowed under the law in rare cases, 165; and the number of excepted places in the classified service, 2,081, consisting of confidential clerks, private secretaries, cashiers, etc., for whose conduct the appointing officer is personally or pecuniarily responsible. The number of excepted places has since been greatly reduced by the extension of classification in the Department of Agriculture previously referred to.

Since the civil service law took effect, 4,943 persons, of whom 1,322 were women, have been appointed under its rules to positions in the departmental service, 5,497 in the railway mail service, 317 in the Indian service, 3,092 in the customs service, 24,362 in the postal service, making a total of 38,211 appointments. Of those who have entered the departmental service about 20 per cent have

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resigned, about 8 per cent have been removed, and 20 per cent have died, leaving on June 30, 1894, 3,457 persons, including 1,003 women, appointed under civil service rules. This constitutes about 29 per cent of the entire classified force of the executive departments, and the percentage is larger in the other branches of the government service.

Chances of appointment vary according to the branch of the service to which entrance is sought and the legal residence of the applicant, and are greatly increased for those who have some special qualification, such as stenography. Of those passing examinations for the departmental service since January 16, 1883, 22.6 per cent have received appointments; for the railway mail service, 34.6 per cent; Indian service, 47.4 per cent; customs service, 21.3, and postal service, 38.7 per cent. A trifle more than 38 per cent of those taking the examinations fail to pass. The law requiring appointments to be apportioned among the States and Territories and the District of Columbia according to population may, at times, constitute a bar to the appointment of persons residing in States which have temporarily exceeded their quota. It usually does not apply to special examinations, and the records show that every State and Territory except Arizona, Idaho, Indian Territory, New Mexico, Oklahoma, Rhode Island, and Wyoming received one or more appointments during the year ending on June 30, 1894. Practically, any one willing to make a special effort to acquire adequate qualifications for government service in any branch need not despair of finally securing appointment. Probably the effort required at the present time is less than it will be a few years hence, when the extension of the civil service rules to higher positions has increased the opportunities of those who enter it, and so intensified the competition.

Among the appointments by competitive examination during the twelve months ending with June, 1894, were 30 clerks at salaries from $660 to $900 per annum; 17 copyists, from $600 to $900; 28 typewriters, $600 to $1,000; 3 stenographers, and 29 stenographers and typewriters, $720 to $1,400; 34 special pension examiners, $900 to $1,300; 21 fourth assistant examiners of patents at $1,200; 4 assistant observers for the Weather Bureau at $720; 2 superintendents of stations for the Fish Commission at $1,500; and in the Agricultural Department, an assistant vegetable pathologist at $1,000; botanical editor, $1,500; horticultural and entomological editor, $1,400; indexer and scientific expert in soils and fertilizers,

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$1,600; and librarian, $1,800. No examinations have as yet been held for messengers, assistant messengers, or watchmen, and consequently none has been appointed under the rules. These will soon be held, and will materially increase the number of appointments in the lower grades.

The rapidity of promotion varies greatly in the different executive departments, and also in other branches of the service. Clerks and copyists are appointed in the departmental service at salaries varying from $600 to $900 per annum. Promotion to the maximum should be rapid where the original appointment is at less than $900. The grades above this are $1,000, $1,200, $1,400, $1,600 and $1,800, and in some departments $2,000. Still higher are the positions of chiefs of division, which pay from $2,000 to $3,500 according to their importance. There are numerous examples of clerks who have entered the departments since the civil service law went into effect and are now receiving $1,800 and $2,000 per annum. They are generally young men, and their advancement has been usually secured through merit alone. Special examinations are held to fill positions in the examining corps of the Patent Office. Original entrance is invariably at $1,200 per annum, and examinations for promotion to the higher grades are held at regular intervals. Out of a total of 34 principal examiners receiving $2,500 per annum, more than two-thirds originally entered the service under the civil service rules in the lowest grade. The proportion among first, second, and third assistant examiners, whose salaries are $1,800, $1,600, and $1,400 respectively, is still higher.

The present Chief Clerk of the Department of State was appointed to a clerkship in the Treasury Department at $1,200 per annum on February 11, 1884, and promoted in due course to $1,800; transferred to the State Department, and made Chief of the Bureau of Statistics, April 17, 1893, and appointed Chief Clerk one year later. Another clerk who entered the service at $1,200 per annum during July, 1886, was promoted to $1,400 in 1887, to $1,800 in 1889, and made Chief of the Consular Bureau on March 28, 1893. Perhaps no better example of the opportunities afforded young men in the Civil Service could be found than that of an employee of the Civil Service Commission, who in 1889 was employed in a railroad office at Wilmington, N. C., at a salary of $35 per month. In common with most of his neighbors he believed the civil service law to be a humbug, and, as he was a Democrat, thought he had no chance of appoint-

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ment under the then existing Republican administration. However, he finally determined to take the copyist examination at Goldsboro, N. C., as an experiment. He passed, and two months later received an appointment as messenger in the office of the Civil Service Commission at $840 per annum. He has been successively promoted through the $1,000, $1,200, $1,600 grades to $1,800, which is his present compensation. It would be interesting to know how many persons in Wilson County, North Carolina, this man's home, earn as large an income as he does.

The opportunities for women are not as satisfactory as those for men, yet quite a number who have entered the service at from $600 to $1,000, under civil service rules, are now receiving $1,200 and $1,400 per annum. They are appointed generally as copyists, typewriters, or stenographers, and have usually found promotion within the lower grades sufficiently rapid. There has been an unfortunate prejudice against promoting them to the highest salaries, but this is believed to be fast dying out, as the appointment of a more efficient and meritorious class of women demonstrates their ability and fitness.

The educational advantages that Washington offers are not to be left out in any consideration of the opportunities in the civil service. Even under the spoils system, positions were sought and some times obtained for the express purpose of securing means of earning a livelihood while prosecuting professional or scientific studies at the Capital. The Law and Medical Departments of Columbia, Georgetown, National, and Howard Universities have had their courses and hours for instruction especially arranged so as to accommodate students employed during the day in the executive departments. The Corcoran Scientific School, of Columbia University, which offers courses to graduate as well as to under-graduate students, was started especially in order to supply the same demand. Several hundred young men and women graduate annually from these schools, and ex-department clerks successfully practising their professions in every State and Territory testify to the quality of instruction furnished. Unfortunately these advantages have seemed to be solely for the benefit of those who enter the government service merely as a temporary expedient, intending to seek more attractive fields of life-work. While this may be of personal advantage to those who are thus able to use the government service as a stepping-stone to something—to them—more desirable, it manifestly results in a shifting force of temporary employees whose consequent lack of interest in

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their work is inevitably detrimental to the service. The best results, not only for the taxpayers, but for those who enter the service, will, however, be secured when sufficient inducements are offered to retain the services of competent and faithful employees, and the civil service of the government is thus made a profession in which men and women of intelligence will be willing to spend their lives. If this can be accomplished there will spring up throughout the country civil service schools, such as those in European countries; and the Universities at Washington will naturally turn their attention more and more to furnishing instruction to the employees of the lower grades in the executive departments who seek to qualify themselves for higher positions and better work.

This involves a revision of the salaries paid to the different classes of employees, so as to offer inducements sufficient to retain the services of the most capable, who, under existing conditions, notably since the civil service requirements introduced a more efficient class of employees, are constantly resigning to accept better-paid positions in private business. It is one of the baneful legacies of the spoils system that the Federal Government pays too much to employees whose duties are merely mechanical, and too little to those who are called upon to exercise wise discretion in important affairs. For example, the minimum salary paid to messengers is about the same as that paid to clerks, and the maximum not very much. This undoubtedly originated in the fact that places under the spoils system were frequently needed for "heelers" who could not perform the simplest clerical work, yet whose local political importance demanded higher pay than any services which they could perform were worth. It was also necessary to pay a higher price to induce men to enter the service when the tenure was uncertain than it should be under a reasonable guarantee of permanence as the reward of fidelity and capacity.

Comparisons between the quality of service required from employees of railroad and other corporations and from those in the government offices afford ample evidence that $400, $500, and $600 per annum, secure tenure, and rapid promotion when deserved, would ensure as good service as that obtained at present in the lower grades, and would considerably improve that of the higher. Coupled with this revision should be provisions reserving the higher places for those who have demonstrated their ability in humbler capacities and guaranteeing permanence of employment to those who deserve it. This would require a system of transfers between the different branches of

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service when circumstances reduce the work of one, and probably a transfer of the power of removal from those now exercising it to properly constituted boards. These changes, with the exception of those in the salaries, would do very little more than systematize the methods which now exist. The attention now attracted by occasional violations of the principles and spirit of civil service reform is itself evidence of the hold which the reform has obtained upon the public mind, and an ample guarantee of security to every capable and industrious young man or woman who enters the public service at the present time.

The requirements of success for those who seek it in the civil service, as in other professions, are hard to define, and their absence is frequently more readily apparent than their presence. They include capacity for hard work, ability to become interested in matters seemingly insignificant and monotonous, and breadth of view sufficient to grasp the larger relations of routine work, accompanied by an attentiveness to details that will ensure accuracy. In addition, there must be perseverance to conquer early disappointments, patience in waiting for advancement, self-reliance and esteem to protect against the occasional insolence of accidental greatness, and industry as an ever-present ally.

To those who possess these characteristics the civil service now offers an opportunity and a career. It has no great rewards, but they are yearly becoming greater, and, on the contrary, it is sure not to furnish any severe disappointments. Its pecuniary emoluments are small, but they are regular, and those who enjoy them suffer little from the stress of competition and do not fear destruction in the struggle for existence. In place of fame it offers to those who are careful to give a little more than they receive, the satisfying consciousness of having served humanity.

H. T. Newcomb.

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